

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LAURA McKNIGHT, TRISHA \*  
TURNER, ANDREW BAKER, \*  
RACHAEL FREEDMAN, KIMBERLY \*  
McCRAY, and MARGO MORENO, \*  
\*  
Plaintiffs, \*  
\*  
V. \* Civil Action No. H-09-3345  
\*  
D. HOUSTON, INC. D/B/A \*  
TREASURES, A.H.D. HOUSTON, \*  
INC. D/B/A CENTERFOLDS, \*  
D N.W. HOUSTON, INC. D/B/A \*  
GOLD CUP, D. RANKIN, INC. \*  
D/B/A TROPHY CLUB, D WG FM, \*  
INC. D/B/A SPLENDOR, W.L. \* Jury Trial Demanded  
YORK, INC. D/B/A COVER \*  
GIRLS, AND, IN THEIR \*  
INDIVIDUAL CAPACITIES, ALI \*  
DAVARI and HASSAN DAVARI, \*  
\*  
Defendants. \*

\*\*\*\*\*  
ORAL DEPOSITION OF  
TRISHA TURNER  
MAY 13, 2010  
Volume 1  
\*\*\*\*\*

ORAL DEPOSITION of TRISHA TURNER, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on May 13, 2010, from 1:11 p.m. to 2:50 p.m., before Connie Koenig, RPR and CSR No. 6577 in and for the State of Texas, reported by stenographic method, at Shellist Lazarz, L.L.P., 3/D International Building, 1900 West Loop South, Suite 1910, Houston, Texas 77027, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record attached hereto.

## 1 APPEARANCES:

## 2 FOR THE PLAINTIFFS:

3 MR. MARTIN A. SHELLIST  
 4 SBOT No. 00786487  
 Shellist Lazarz, L.L.P.  
 5 3/D International Building  
 1900 West Loop South, Suite 1910  
 6 Houston, Texas 77027  
 7 713/621-2277

## 8 FOR THE DEFENDANTS:

9 MR. ALBERT VAN HUFF  
 10 SBOT No. 24028183  
 Monshaugen & Van Huff, P.C.  
 11 1225 North Loop West, Suite 640  
 Houston, Texas 77008  
 713/880-2992

12 MS. LAUREN M. SERPER  
 13 SBOT No. 18032100  
 Attorney at Law  
 14 3405 Edloe, Suite 200  
 Houston, Texas 77027  
 15 713/278-9398

1 THE REPORTER: Signature?

2 MR. SHELLIST: Yeah, read and sign.

3 TRISHA TURNER,

4 having been first duly sworn, testified as follows:

## 5 EXAMINATION

## 6 BY MR. VAN HUFF:

7 Q. Good afternoon, Ms. Turner.

8 A. Good afternoon.

9 Q. My name is Al Van Huff. I'm an attorney for  
 10 the clubs and the individuals that are the Defendants in  
 11 this case. We're here today to take your deposition.  
 12 It's going to be a pretty painless process.

13 Have you ever given a deposition before?

14 A. No.

15 Q. Okay. The way it works is that you were just  
 16 sworn in and you're going to give testimony just like  
 17 you were testifying in court in front of the Federal  
 18 Judge. So after the deposition the Court Reporter is  
 19 going to type up a booklet, deposition transcript,  
 20 that's going to have all the questions and answers.  
 21 We're going to be able to use that transcript as the  
 22 case progresses and possibly at the trial of this  
 23 matter, if we go to a trial. All right?

24 A. Okay.

25 Q. So it's important you tell the truth since

## 1 INDEX

2 Appearances	2
3 Stipulations	4
4	
5 TRISHA TURNER	
6 Examination by Mr. Van Huff	4
7 Examination by Mr. Shellist	47
8 Further Examination by Mr. Van Huff	53
9 Further Examination by Mr. Shellist	55
10 Signature and Changes	56
11 Reporter's Certificate	58
12 EXHIBITS	
13 1 Signed Copy of Treasures' Tipping Policy	53

1 you're under oath. And it's also important that, when  
 2 I -- if you say yes or no in response to a question,  
 3 that you actually vocalize that response instead of  
 4 going uh-huh or uh-uh because the Court Reporter can't  
 5 take responses like that down very well.

6 A. Okay.

7 Q. And it's also important that we try not to talk  
 8 over one another. Unlike a normal conversation where  
 9 you can sometimes anticipate what someone's going to say  
 10 before they finish their question, that doesn't work out  
 11 too well here because she's got to actually type my  
 12 complete answer in and your answer. And Ms. Koenig here  
 13 is really good and fast, but sometimes, if we get too  
 14 carried away, it will cause us a problem.

15 So we need to try to cooperate with one  
 16 another on that. Okay?

17 A. Okay.

18 Q. And, finally, if I ask you a question, it's  
 19 important to everyone involved that you understand the  
 20 question you're answering. So if you don't understand  
 21 something that I'm asking you and it could be because  
 22 I'm asking the question in a strange way or -- just let  
 23 me know. I can rephrase the question, or I can explain  
 24 a term to you or whatever we need to do. Because, if  
 25 you answer a question that I ask and you don't indicate

Page 6	Page 8
<p>1 to us that you don't understand it, we're going to  2 assume that you do understand it, and later on you won't  3 be able to complain that you didn't know what was going  4 on. Okay?</p> <p>5 A. Okay.</p> <p>6 Q. And believe me, if I get too confusing, your  7 lawyer will object to the question and say it's  8 confusing and I should ask it another way.</p> <p>9 First, I'd just like you to state your  10 name for the record.</p> <p>11 A. Trisha Turner.</p> <p>12 Q. Trisha, what's your current address?</p> <p>13 A. 12445 Brightwater Lane, Richmond, Virginia  14 23233.</p> <p>15 Q. So you currently reside in Virginia?</p> <p>16 A. Yes.</p> <p>17 Q. And your Virginia driver's license is  18 A 63660686; is that correct?</p> <p>19 A. Can I -- A 63660686?</p> <p>20 Q. Right.</p> <p>21 A. Yes.</p> <p>22 Q. I'm reading right off your interrogatory  23 answer.</p> <p>24 A. I have to do it a certain way to process it.</p> <p>25 Q. That's fine.</p>	<p>1 A. Yes.</p> <p>2 Q. Who else have you spoken to regarding this  3 lawsuit?</p> <p>4 A. My husband and my cousin's wife.</p> <p>5 Q. We have a number of clubs that are Defendants  6 in this case. And the first thing I want to do is go  7 through the list of clubs with you so that I can  8 determine at which clubs you actually worked and during  9 what time periods you worked at such clubs.</p> <p>10 A. Okay.</p> <p>11 Q. So did you work at Treasures?</p> <p>12 A. Yes.</p> <p>13 Q. When did you work at Treasures?</p> <p>14 A. I started in July of 2001, and I stayed there  15 until December of '01, and then I came back -- I don't  16 know exactly when, but it was springtime of '02 until  17 December of '08.</p> <p>18 Q. Have you ever been involved in a lawsuit  19 before?</p> <p>20 A. No.</p> <p>21 Q. Have you ever filed for bankruptcy protection?</p> <p>22 A. Yes.</p> <p>23 Q. Other than the bankruptcy, any other lawsuits?</p> <p>24 A. Just divorce.</p> <p>25 Q. Okay. So we have one bankruptcy case, one</p>
<p>1 How long have you been living in Virginia?</p> <p>2 A. Since June of last year.</p> <p>3 Q. How did you first learn of this suit or of this  4 claim by the Plaintiffs?</p> <p>5 A. Laura had given me a call and told me about it.</p> <p>6 Q. When was that?</p> <p>7 A. It was sometime in the beginning of 2009. I'm  8 not exactly sure when.</p> <p>9 Q. That sounds about right. She said it was about  10 a year ago or so.</p> <p>11 Other than Laura, have you spoken with any  12 of the other Plaintiffs in this case --</p> <p>13 A. No.</p> <p>14 Q. -- about the case?</p> <p>15 A. No.</p> <p>16 Q. What exactly did Laura tell you when she called  17 you?</p> <p>18 A. That she had looked into a lawyer about some  19 things that Treasures was not doing properly and would I  20 be interested in going with her to talk with a lawyer  21 and I said yes.</p> <p>22 Q. Okay. And was that the only time you spoke  23 with Laura about this lawsuit other than in the context  24 of maybe some sort of e-mail communication that involved  25 your lawyer?</p>	<p>1 divorce?</p> <p>2 A. Yes.</p> <p>3 Q. When was that?</p> <p>4 A. January 1998.</p> <p>5 Q. And are you currently married?</p> <p>6 A. Yes.</p> <p>7 Q. Have you ever worked at Centerfolds?</p> <p>8 A. Yes. From December of '01 until the springtime  9 of '02.</p> <p>10 Q. What was your position at Treasures? I'm  11 sorry. I'm going backwards.</p> <p>12 A. I started as a waitress, and when I went back  13 in the spring, I was a bartender.</p> <p>14 Q. What did you do at Centerfolds?</p> <p>15 A. I started as a waitress and became a bartender.</p> <p>16 Q. Have you ever worked at Gold Cup?</p> <p>17 A. No.</p> <p>18 Q. Have you ever worked at Trophy Club?</p> <p>19 A. No.</p> <p>20 Q. Have you ever worked at Splendor?</p> <p>21 A. Yes.</p> <p>22 Q. When did you work at Splendor?</p> <p>23 A. I can't remember. It was either one or two  24 weeks during the time I was at Centerfolds. I don't  25 remember the exact date.</p>
Page 7	Page 9

1 Q. But it would have been prior to spring of '02?  
 2 A. Yes.  
 3 Q. Have you ever worked at Cover Girls?  
 4 A. No.  
 5 Q. How are you currently employed?  
 6 A. I work for the Dominion School for Autism.  
 7 Q. As a teacher?  
 8 A. One-on-one instructor.  
 9 Q. I bet that's challenging.  
 10 A. Very. Very rewarding.  
 11 Q. While you were employed as a bartender at Treasures, how were you paid? I don't mean that you received a paycheck. How were you compensated for your time?  
 12 A. We got 2.13 an hour. And then in some time, I believe it was January of '08, it was 5 something an hour, but I don't know if it was exactly 5.  
 13 Q. According to the information that I have, January of '08 is when Centerfolds began paying -- excuse me -- Treasures began paying you what was minimum wage at the time.  
 14 Does that sound about right to you?  
 15 A. It was 5 or 5-something. I don't know what minimum wage was.  
 16 Q. Right. But whatever that amount was, it was

1 Q. Why are you claiming it was improper?  
 2 MR. SHELLIST: Let me just object to the form of the question. It calls for a legal conclusion.  
 3 But when I do that -- we haven't talked about this -- but when I make an objection, it's for the Court Reporter and Mr. Van Huff and the Judge. You can still answer the question if you're able to. Or you can have him restate it if you have forgotten what it was.  
 4 Q. (BY MR. VAN HUFF) I'll go ahead and restate it.  
 5 Your lawyer is going to sometimes object to my questions for the record so that down the road, if I try to use your answer, he may complain it's calling for a legal conclusion, which is perfectly normal to happen in a deposition like this.  
 6 But unless he instructs you to after he objects for the record, you're going to answer the question. It's something that goes on in every single deposition almost that ever gets taken anywhere in Texas.  
 7 So you're claiming that the 5 percent that was deducted from the credit card tips was improper.  
 8 And my question to you is, why do you think it was improper?  
 9 MR. SHELLIST: Same objection.

1 minimum wage at the time. Is that your understanding, that they brought you up to minimum wage?  
 2 A. I was never told. I just looked at my check and it was more. I didn't know if it was minimum wage or not.  
 3 Q. If the payroll records demonstrated they started paying you minimum wage in January of '08, would you have any reason to dispute that?  
 4 A. No.  
 5 Q. Without regard to the other Plaintiffs in this case and in connection with your employment as a bartender at Treasures only, what is it specifically that you claim that Treasures did to you that was improper?  
 6 A. The 5 percent they were taking out of credit card charges.  
 7 Q. All right. Just to make sure we're talking about the same thing, credit card tips?  
 8 A. Correct.  
 9 Q. They would deduct 5 percent from your credit card tips?  
 10 A. Correct.  
 11 Q. And it's your claim in this lawsuit that that was improper?  
 12 A. Yes.

1 But you can answer.  
 2 A. I believe it was improper because that is not -- the club does not pay 5 percent to use the credit card companies. I know it's a less percentage to be used.  
 3 Q. (BY MR. VAN HUFF) Okay. So your complaint is that the 5 percent was too high?  
 4 A. Yes, sir.  
 5 Q. Because it's not equivalent to the amount that the company actually had to pay to the credit card processing companies to liquidate the credit card tip?  
 6 A. Yes.  
 7 Q. Is there anything else with regard to you individually in connection with your employment as a bartender at Treasures that you claim Treasures was doing improperly as a basis for your lawsuit?  
 8 A. There were times you would work and not be paid to work, like if your time card was not correct.  
 9 Q. Okay. How often would that happen?  
 10 A. For me personally, not very often.  
 11 Q. And what would the circumstances be in connection with that?  
 12 A. Sometimes the time clock was not working, so you would write it in, and when I would look on my receipt -- paycheck stub, the hours weren't always the

1 same.

2 Q. On the few occasions that happened, did you  
3 ever attempt to talk to anybody in management about  
4 that?

5 A. No.

6 Q. Why not?

7 A. I don't know. I just didn't.

8 Q. Since it only happened a few times and you  
9 never mentioned it to anybody, is it possible it was  
10 just an error in processing your time card? Somebody  
11 erred in adding it up and it was a mistake?

12 A. Possibly, yeah.

13 Q. Because it wasn't something happening on a  
14 regular basis, right?

15 A. Right.

16 Q. Okay. So we have the 5 percent issue. We have  
17 an issue of some unpaid hours.

18 How many hours altogether -- how many  
19 hours from October of 2006 to October of 2009 do you  
20 think you weren't paid for?

21 A. I have no idea.

22 Q. More than ten hours?

23 A. Yes.

24 Q. More than 20 hours?

25 A. Yes.

1 Q. Less than 40 hours?

2 A. I don't know.

3 Q. Less than 50 hours?

4 A. Probably around.

5 Q. Probably around 50 hours for a three-year  
6 period? You only worked two years during that  
7 three-year period.

8 A. Probably.

9 Q. Now, you said January of '08 is when you  
10 started getting paid minimum wage.

11 When did you stop working there?

12 A. I gave my notice in December of '08.

13 Q. So from January '08 to December '08 was the  
14 period where you were getting paid 5-something an hour?

15 A. Correct.

16 Q. And it was only prior to January '08 when you  
17 were getting the 2.13 per hour?

18 A. Yes.

19 Q. Okay. Other than the 5 percent and the unpaid  
20 hours with regard to you individually and at Treasures  
21 as a bartender, do you have any other complaints about  
22 the way they were paying you?

23 A. Would that include like your W-2s and stuff  
24 like that?

25 Q. Just whatever relates to you in connection with

1 your work at Treasures as a bartender. Anything that  
2 you have to complain about I want to know about right  
3 now that's the basis of your lawsuit.

4 A. I know my W-2s were not correct.

5 Q. Okay. What was wrong with your W-2s?

6 A. They did not reflect the earnings that I had  
7 made properly.

8 Q. In what way?

9 A. None of your cash tips were on there, and then  
10 credit card amounts that were on there was not  
11 anywhere -- it was more than what I had made in credit  
12 cards on my personal self.

13 Q. Okay. So cash tips were unreported.

14 When you noticed that, did you ask anyone  
15 about it?

16 A. No. My husband, he does the taxes, and I  
17 guess -- there's a way you can put it in the taxes, I  
18 guess. I don't know.

19 Q. So you had cash tips that were unreported and  
20 some credit card tips that were reported that shouldn't  
21 have been?

22 A. They were just higher than what I had earned in  
23 credit card earnings.

24 Q. Did it approximate the amount that you had in  
25 cash tips? Doesn't it just say "wages, tips and other

1 compensation" without specifically saying it came from  
2 credit cards or cash?

3 A. Yes, it does.

4 Q. So how would you be able to tell?

5 A. I kept track of what I made, and I know it was  
6 not right.

7 Q. If you're saying that the cash tips were too  
8 low and the credit card tips were too high but when you  
9 combine them it's a 0-some gain and a figure that says  
10 "wages, tips and other compensation," it wouldn't make  
11 any difference, would it?

12 A. I don't understand. Sorry.

13 Q. Okay. Anything else other than your W-2 being  
14 incorrect, unpaid hours, 50 unpaid hours, and the credit  
15 card processing fee that relate to you directly in your  
16 employment as a bartender with Treasures?

17 A. I don't think so.

18 Q. How much money do you think Treasures owes you  
19 for these three issues?

20 A. I do not have an amount for that.

21 Q. It's clearly less than \$5,000, isn't it?

22 MR. SHELLIST: Object to the form.

23 But if you know, you can answer.

24 A. I do not know.

25 Q. (BY MR. VAN HUFF) 50 hours times \$6 an hour, I

1 think that's \$300.

2 MR. SHELLIST: That's my fault for  
3 objecting. I thought you were referring to the case,  
4 what you think you're owed in the case. If you're  
5 limiting it to this stuff you have just spoken with her  
6 about, I'm okay with that. I'll withdraw the objection  
7 to that.

8 Q. (BY MR. VAN HUFF) You said that you are not  
9 sure how much money you would be owed.

10 How many hours were you working a week?

11 A. Anywhere from 20 to 50.

12 Q. Is it part of your claim that you weren't  
13 getting paid overtime for your overtime hours?

14 A. Not that I know of.

15 Q. Okay. As far as unpaid hours, if you were  
16 shorted 50 hours and you were getting paid less than \$6  
17 an hour, that would be approximately \$300, correct?

18 A. Correct.

19 Q. And when you say -- if you were looking at  
20 5 percent of your credit card tips -- do you recall how  
21 much money you made in 2008 that you reported on your  
22 W-2?

23 A. No.

24 Q. Do you have any idea how much 5 percent of your  
25 credit card tips would reflect on a per-year basis?

1 A. No.

2 Q. But we could figure that out by looking at the  
3 credit card tips you were paid?

4 A. Yes.

5 Q. And with the issue of incorrect W-2s, do you  
6 have -- what economic damage would that have caused you?

7 A. I don't know. I'm not sure. I guess I don't  
8 understand the question really.

9 Q. Well, if the W-2s were incorrect and yet your  
10 husband filed the correct information according to your  
11 calculations with the IRS and those were the numbers  
12 that the IRS based your taxes on, then you wouldn't have  
13 suffered any damage due to an incorrect W-2, correct?

14 A. Yes, I guess so. I don't know much about  
15 taxes. Sorry.

16 Q. I don't, either. I'm happy about it.

17 When was your bankruptcy discharged?

18 A. November -- you mean finished?

19 Q. Yes.

20 A. November of -- I believe it was 2008.

21 Q. Was it filed in October of 2002?

22 A. I don't remember the exact date it was filed.

23 I have the information at home. I think it was -- I  
24 thought it was November 2008 or '07.

25 Q. And -- okay. Do you recall approximately when

1 you originally filed the bankruptcy proceeding?

2 A. I think it was 2002. October or November 2002,  
3 I believe.

4 Q. For whatever reason the bankruptcy was pending  
5 for many years?

6 A. I paid it in five years, but they said it can  
7 stay on your credit for seven years.

8 Q. I see. And it was finally disposed of -- my  
9 information is that it was disposed of in January of  
10 2008.

11 Does that sound about right to you?

12 A. I would think so. I know I paid it in five  
13 years.

14 Q. Did you report to the bankruptcy trustee the  
15 fact that you perceived that you were owed money by  
16 Treasures for unpaid wages and for the 5 percent that  
17 was deducted from your credit card tips in connection  
18 with your bankruptcy case?

19 A. No.

20 Q. Why not?

21 A. I didn't know.

22 Q. You didn't know you had a claim until  
23 Ms. McKnight told you you might? That's why you didn't  
24 report it to him?

25 A. No. Are you asking -- can you ask me again

1 because maybe I don't understand?

2 Q. Sure. Usually in a bankruptcy you have to tell  
3 the bankruptcy trustee what all your assets are,  
4 including money that other people might owe you.

5 A. No. I didn't know at the time. I didn't know  
6 I could be owed that money. I did not know that.

7 Q. Okay. When did you first perceive that you  
8 might be owed money?

9 A. When Laura told me about it.

10 Q. Okay. And that would have been sometime in  
11 early 2009?

12 A. Yes.

13 Q. Which was after your bankruptcy case was  
14 disposed?

15 A. Yes.

16 Q. Have you ever been arrested?

17 A. No.

18 Q. As my pile of documents gets smaller, we get  
19 closer to the end of your deposition. Basically, what  
20 I'm going to be doing is going over your interrogatory  
21 answers and going over the declarations you filed with  
22 the -- or that your attorney filed as an attachment for  
23 a motion he filed for notice of class members.

24 So I'm just giving you an idea of what's  
25 going on so it might go a little bit more smoothly for

1 you. I won't take too much time. I expect we'll be  
 2 going over this stuff and talking about your case for  
 3 probably another hour or so. At any time you feel you  
 4 want to take a break, just let us know and we can do  
 5 that.

6 A. Okay.

7 Q. Other than the allegations that we just went  
 8 over with regard to your claim against Treasures as a  
 9 bartender, in your mind, do you have a basis  
 10 individually for any sort of claim against the other  
 11 five clubs -- Centerfolds, Gold Cup, Trophy Club,  
 12 Splendor or Cover Girls -- considering the fact that  
 13 your employment by those clubs was so remote in time?

14 MR. SHELLIST: Object to the form of the  
 15 question.

16 But you may answer.

17 A. I don't understand what you're asking.

18 Q. (BY MR. VAN HUFF) Okay. We went over some of  
 19 the stuff that you have as a basis for a claim against  
 20 Treasures. Okay? And there is a statute of limitations  
 21 that applies to Fair Labor Standards Act violations.  
 22 All right? The longest period under the statute of  
 23 limitations is going to be three years. And I don't  
 24 think your lawyer disputes that.

25 So if we assume that the statute of

1 joint employers?

2 A. It's true. Do you want my reasons?

3 Q. Yes.

4 A. One, because I did work at three of them within  
 5 my time of employment with the Davaris.

6 Q. Okay. Now, with regard to your work at the  
 7 three different clubs, were you -- when you worked at  
 8 Centerfolds, were you paid by Centerfolds?

9 A. Well, one of them was D. Houston and one was  
 10 A.H.D. Houston on the check.

11 Q. The names of the corporations?

12 A. Yes.

13 Q. The corporate names were different than the  
 14 trade names?

15 A. Yes.

16 Q. Okay. So are you claiming that, when you  
 17 worked at Centerfolds, you were getting paid by the  
 18 corporation that owned Treasures?

19 A. I don't remember which is which, but one is  
 20 D. Houston and one is A.H.D. Houston.

21 Q. Treasures is D. Houston and Centerfolds is  
 22 A.H.D. Houston.

23 A. So when I worked at Centerfolds, I got  
 24 A.H.D. Houston; and when I worked at Treasures, I got  
 25 D. Houston on my paycheck as the name.

1 limitations was three years, and we see that your  
 2 lawsuit was filed in October of 2009, what we're talking  
 3 about as far as your claims go is claims from October of  
 4 2006 to October of 2009. During that period, according  
 5 to your testimony, you worked only as a bartender at  
 6 Treasures.

7 So my question to you is, if we assume  
 8 there's a three-year limit -- I know he's going to  
 9 object to the question, but I want you to answer it  
 10 anyway, so follow me here.

11 Assuming there's a three-year limit, do  
 12 you perceive any basis for you individually to have a  
 13 claim against any of the other five clubs other than  
 14 Treasures?

15 MR. SHELLIST: Object to the form of the  
 16 question.

17 But you can answer.

18 A. Me personally, individually, no, because I was  
 19 not at the other clubs.

20 Q. (BY MR. VAN HUFF) Okay. Now, there's an  
 21 allegation in your lawsuit that these six clubs all  
 22 together are joint employers. As far as what you know  
 23 individually and personally without regard to what other  
 24 people have told you, what is your knowledge of the  
 25 factual basis for that allegation, that the clubs are

1 Q. Okay. So other than the fact that over the  
 2 years you worked at several of these clubs, what other  
 3 facts are there that form your basis that the clubs are  
 4 all joint employers?

5 A. We would borrow supplies between the clubs.

6 Q. What kind of supplies?

7 A. We'd run out of napkins, credit card tab  
 8 sheets, the table tents. And I know for a fact the  
 9 cooks were going to the other clubs to get supplies like  
 10 if the kitchen ran out of stuff and bringing it to the  
 11 other clubs.

12 Q. Okay. Now, when a club -- so you are alleging  
 13 that the -- or that Treasures would sometimes borrow  
 14 supplies and other items from other clubs?

15 A. Yes.

16 Q. Do you have any reason to know whether or not  
 17 Treasures remunerated those other clubs for the  
 18 supplies? Paid them for them.

19 A. I would not know that for a fact. No.

20 Q. Okay. What other facts do you know of that  
 21 demonstrate they're joint employers?

22 A. I mean, when I worked at the other clubs, the  
 23 owners were at the other clubs. I saw them there. I  
 24 had conversations with them.

25 Q. Who do you think the owners are?

1 A. George and David.  
 2 Q. And we're talking about George Davari and David  
 3 Davari?  
 4 A. Yes.  
 5 Q. So during your employment at the three clubs  
 6 that you worked over the years that you worked in this  
 7 business or in this -- in the industry here in Houston,  
 8 you would see the Davaris at the various clubs while you  
 9 were so employed?  
 10 A. Yes.  
 11 Q. Okay. What other facts do you have to support  
 12 your contention that the clubs are joint employers?  
 13 A. I have -- my husband, for instance, worked at  
 14 one of the clubs, one of the ones I did not work at.  
 15 Q. Which one?  
 16 A. He worked at Gold Cup. So I know from him  
 17 being there that it was the same. And then at Cover  
 18 Girls, I had a close friend that worked there.  
 19 Q. So you had a friend and a husband, two  
 20 different people, who worked at a couple of the other  
 21 clubs?  
 22 A. Yes.  
 23 Q. Okay. So whatever information you garnered  
 24 from them was information that they told to you?  
 25 A. Right.

1 Q. Are you aware that each of the six clubs is its  
 2 own corporation?  
 3 A. I am now. Yes.  
 4 Q. Are you aware that each of the six clubs has  
 5 its own location?  
 6 A. Yes.  
 7 Q. You are aware that each of the six clubs has  
 8 its own liquor license?  
 9 A. Yes.  
 10 Q. Do you have any other facts which demonstrate  
 11 that the clubs are joint employers, the six clubs?  
 12 A. I know other people that worked for -- like  
 13 that would be at Treasures and transfer over to another  
 14 club through the same thing, but I don't know if that  
 15 counts or not.  
 16 Q. Do you know of anyone that was working at  
 17 Treasures but being paid by Centerfolds?  
 18 A. Not that I can think of.  
 19 Q. Do you know of anyone that was working at  
 20 Centerfolds and being paid by Treasures?  
 21 A. Not that I know of.  
 22 Q. You stated a minute ago that you perceived that  
 23 the Davari brothers are the owners of these clubs.  
 24 What other perceptions do you have with  
 25 regard to the Davari brothers' relationships with the

1 clubs?  
 2 A. I don't understand.  
 3 Q. What knowledge do you have about the Davari  
 4 brothers' relationships with the clubs?  
 5 A. I just was told that they were the owners.  
 6 Q. Were you aware of any other facts that we  
 7 haven't talked about in support of your allegation that  
 8 the clubs are joint employers?  
 9 A. Not that I can think of right now.  
 10 Q. Why did you decide to stop working at  
 11 Treasures?  
 12 A. My ex-husband passed away and I wanted to be  
 13 with my children more, and I had also been waiting for a  
 14 job at a day care center.  
 15 Q. So just personal issues?  
 16 A. Yes.  
 17 Q. Now, there's another cause of action, or  
 18 another legal assertion, that you have made in your  
 19 case, and I'm going to ask you what the factual basis is  
 20 for that legal assertion -- that's a very badly  
 21 put-together sentence -- and it's related to the joint  
 22 employer. It's called single integrated business  
 23 enterprise. There's an allegation that these six clubs  
 24 are a single business enterprise based on some alleged  
 25 interrelation between the businesses, according to your

1 interrogatory answer here.  
 2 And I'm going to -- I think that we can  
 3 agree that all the things we just went over with regard  
 4 to joint employers are probably facts that you say also  
 5 support your allegation of single business -- single  
 6 integrated business enterprise. Correct?  
 7 A. Correct.  
 8 Q. So rather than going through all these things  
 9 again, we'll agree you also think those things support  
 10 that allegation, as well?  
 11 A. Yes.  
 12 Q. Now, are there any additional things that come  
 13 to mind that we haven't gone over that support your  
 14 allegation of a single integrated business enterprise?  
 15 A. Not that I can think of.  
 16 Q. The two interrogatory answers that you gave as  
 17 to each of those issues are basically the same, so that  
 18 doesn't surprise me. But they're separate things so I  
 19 needed to ask.  
 20 When we initially talked about the  
 21 5 percent, you stated that in your view it's improper  
 22 for the company to deduct 5 percent because 5 percent  
 23 exceeds the amount of money that the company pays as  
 24 credit card processing fee to the credit card company  
 25 which is necessary to liquidate your tip, correct?

<p style="text-align: right;">Page 30</p> <p>1 A. What do you mean by "liquidate" the tip?    2 Q. Turn it into cash --    3 A. Yes.    4 Q. -- as opposed to a credit card charge.    5 A. Yes.    6 Q. Now, are there any other details about the    7 5 percent that you think are improper?    8 A. Well, I was a waitress at a regular restaurant,    9 and when you got credit card tips, they did not take any    10 percent out for any credit card processing fees. So I    11 believe that taking a percentage out isn't correct.    12 Q. Okay. So either the 5 percent was too much in    13 that it was twice as much as it should have been, or any    14 percentage is unlawful? And that's fine because I    15 understand that that's -- so there's two prongs to that    16 claim. One, it might be that the entire 5 percent is    17 unlawful; alternatively, a portion of the 5 percent was    18 unlawful, right?    19 A. Correct.    20 Q. Okay. Anything else wrong with the 5 percent,    21 as far as you know?    22 A. Not as far as I know.    23 Q. Did you fly here from Virginia for the    24 deposition?    25 A. Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes.    2 Q. What basis do you have to allege that there is    3 some requirement that Treasures use that 20 percent from    4 the dancers' fee to cover credit card charges?    5 A. When we were hired and the managers go over the    6 details of how things are processed, we're told that the    7 20 percent from them is for processing fees and just    8 basic club access fees.    9 Q. Okay. Well, aside from what other people told    10 you, do you agree with me that Treasures, as the owner    11 and operator of this business, has the discretion to say    12 whether that \$5 per dance or the money paid at the door    13 or its profit from the sale of alcohol, whether or not    14 that money goes to cover the credit card processing    15 fees?    16 MR. SHELLIST: Object to the form.    17 But you can answer it.    18 A. Are you asking me do I believe that they have    19 the right to use that money however they want?    20 Q. (BY MR. VAN HUFF) Yeah.    21 A. I do believe they have the right to use the    22 money where they see needed.    23 Q. Okay. When they said it goes to cover    24 processing fees -- when I say "it," the 20 percent    25 retained by the house off the dances -- couldn't they</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. When do you fly back?    2 A. Tomorrow morning.    3 Q. There's an allegation that any cost to    4 Treasures due to credit card charges was covered through    5 fees collected from topless dancers.    6 A. Yes.    7 Q. That's an allegation of your lawsuit?    8 A. Yes.    9 Q. What facts do you know that support that    10 allegation?    11 A. Dancers, when they did a dance on credit card,    12 the charge was \$25 per dance. And when they went to get    13 paid out on their dances, the club kept 20 percent of    14 that 25. So the entertainer received 20, and the club    15 kept 5 for every 25.    16 Q. So we're talking about 80 percent and    17 20 percent?    18 A. Correct.    19 Q. Okay. So your testimony is that for dances    20 that were paid for by customers by credit card, the fee    21 would be \$25 per dance, right?    22 A. To the customer, correct.    23 Q. And out of that \$25, 80 percent or \$20 per    24 dance would go to the dancer; and \$5 or 20 percent would    25 be retained by the house?</p>	<p style="text-align: right;">Page 33</p> <p>1 have been talking about the in-house administrative    2 costs of processing credit cards?    3 A. They could have. They just said "processing    4 fees."    5 Q. The clerk that they pay to sit in the back room    6 with all the credit card slips and add it all up would    7 be an administrative in-house cost, wouldn't it?    8 A. Yes, it would.    9 Q. Because the employees of Treasures don't get to    10 decide how Treasures spends the 20 percent it retains    11 from the dancers, correct?    12 A. Correct.    13 Q. With regard to the 5 percent that you allege    14 was unlawful -- I'm talking about the 5 percent of the    15 credit card tips that was retained by Treasures during    16 your employment as a bartender -- what facts do you know    17 that support your allegation that Treasures was    18 intentionally violating the law with regard to charging    19 that 5 percent? That it knew it was violating the law    20 by charging you that 5 percent but was doing it anyway?    21 What facts do you know to support that?    22 MR. SHELLIST: Whatever you know.    23 A. I don't know.    24 Q. (BY MR. VAN HUFF) Okay. So as far as you    25 know, if the 5 percent was unlawful, it could have just</p>

1 been a mistake, correct?

2 MR. SHELLIST: Object to the form.

3 But you can answer it.

4 A. I don't believe it was a mistake.

5 Q. (BY MR. VAN HUFF) You believe it was  
6 intentional. They were intentionally grinding the  
7 waitresses out of 5 percent of their credit card tips?

8 A. They intentionally did charge 5 percent to the  
9 waitresses.

10 Q. Obviously, they intended to do it since that's  
11 what happened.

12 But do you think they were intending to  
13 violate the law in so doing it?

14 MR. SHELLIST: Object to the form.

15 But you can answer it.

16 A. I believe, if they are aware of the law, then  
17 yes, they intentionally went against the law.

18 Q. (BY MR. VAN HUFF) But you acknowledge that it  
19 could have been ignorance? Not that that's an excuse,  
20 but it would have been ignorance of the law, that they  
21 thought the 5 percent was okay. Otherwise -- you don't  
22 have any evidence or know of any facts that would  
23 demonstrate otherwise, right?

24 A. I don't have any evidence or facts to  
25 demonstrate otherwise.

1 were.

2 A. Yes, he was.

3 Q. And so I'm not trying to make the point that  
4 one of you is not telling the truth because I think that  
5 you're both telling the truth and you were just paid  
6 differently, but I need to establish that on the record,  
7 that y'all were being paid differently. Okay?

8 It's my understanding Mr. Baker was  
9 getting paid by the shift.

10 A. Correct.

11 Q. Correct.

12 Now, were there other bartenders that you  
13 were aware of -- it's okay if they told you about it --  
14 that were being paid by the shift?

15 A. Yes. If you were hired as a bartender after  
16 January -- I believe it was January of '02 -- then you  
17 got paid hourly. If you were hired before, I believe,  
18 January '02, then you got shift pay.

19 Q. Now, did the bartenders that were getting shift  
20 pay, did they also change to the 5-something an hour in  
21 January of '08 so that all the bartenders were getting  
22 paid minimum wage after that date?

23 MR. SHELLIST: Object to the form of the  
24 question.

25 But you can answer it.

1 Q. Other than what people told you -- what facts  
2 are you aware of that demonstrate that the policies that  
3 you're complaining about, the unlawful acts with regard  
4 to you individually, were also in place at the clubs  
5 other than Treasures during the three-year period,  
6 October '06 to October '09, other than what people told  
7 you?

8 A. I know for a fact at Gold Cup because my  
9 husband was a bartender and did the exact same  
10 practices.

11 Q. And you would know that because he told you?  
12 Other than what people told you, what facts do you know  
13 during the three-year period, October '06 to October  
14 '09, that the same policies and practices at Treasures  
15 were going on at the other five clubs?

16 A. I guess I would have no facts other than...

17 Q. What people told you? Right? Yes?

18 A. Yes. Sorry.

19 Q. Your testimony is that you were getting paid  
20 2.13 an hour prior to January '08 and then 5-something  
21 an hour after January of '08 as a bartender. Yesterday  
22 I took the deposition of Mr. Baker.

23 He was also a bartender?

24 A. Yes.

25 Q. And I think he was paid differently than you

1 A. I don't know. I never asked.

2 Q. (BY MR. VAN HUFF) Okay. During the three-year  
3 period that I keep talking about, October '06 to  
4 October '09, do you have any information regarding  
5 whether bartenders were getting paid shift pay versus  
6 hourly pay or both at the five clubs other than  
7 Treasures?

8 Do you know how the bartenders were  
9 getting paid at the other five clubs for the three-year  
10 period?

11 A. No.

12 MR. SHELLIST: Like your husband.

13 A. (Continuing.) I just know the policy was, if  
14 you were hired after January '02, then you were an  
15 hourly employee, whereas before the shift pay, employees  
16 stayed shift pay. And I do not know if after January  
17 '08 if that changed. I don't know about the other  
18 clubs.

19 Q. (BY MR. VAN HUFF) At all?

20 A. No.

21 Q. Yes?

22 A. Yes.

23 Q. You're agreeing with me you don't know about  
24 the other clubs at all?

25 A. Yes.

1 Q. The policies of bartenders, whether they get  
 2 paid hourly or shift pay?

3 A. Correct.

4 Q. Now we get to talk about the difference between  
 5 walked tabs and tabs where you lost the customer.

6 Did you ever have to pay for walked  
 7 tabs --

8 A. Yes.

9 Q. -- at Treasures?

10 A. Yes.

11 Q. During the relevant three-year period --

12 A. Yes.

13 Q. -- that we talked about earlier?

14 A. Yes.

15 Q. We're doing a good job of talking over each  
 16 other.

17 How often would that happen during the  
 18 three-year period?

19 A. For myself personally I think it only happened  
 20 twice.

21 Q. And how much were they?

22 A. One of them was over a hundred dollars -- I  
 23 don't remember the exact amount -- and the other one I  
 24 know it was under a hundred, but I don't remember the  
 25 exact amount.

1 Q. What were the circumstances of the first one?

2 A. The one over a hundred was a regular customer  
 3 who had given me the credit card and left that night and  
 4 never paid.

5 Q. So he opened a credit card tab, and then he  
 6 left without signing the credit card?

7 A. Correct.

8 Q. And you were held responsible for the entire  
 9 amount --

10 A. Correct.

11 Q. -- of the credit card tab?

12 And that's because you had to use your  
 13 bank to purchase the drinks for him, and then they were  
 14 never paid for on the credit card?

15 A. Yes.

16 Q. When I say "your bank," your cash bank, because  
 17 you would go to the bartender and pay him cash for  
 18 drinks out of your bank, take them to the customer, and  
 19 then at the end --

20 MR. SHELLIST: She was a bartender.

21 A. We got a bank at the beginning of the night,  
 22 like the bag of money at the beginning of the night.

23 Q. (BY MR. VAN HUFF) Let me back up because for a  
 24 moment I forgot you were a bartender and thought you  
 25 were a waitress, and I was asking you waitress

1 questions.

2 So you had two instances during the  
 3 three-year period, October '06 to October '09, where you  
 4 claim that you had to pay for a walked tab?

5 A. Yes.

6 Q. And this was as a bartender?

7 A. Yes.

8 Q. The first instance a customer came to the bar,  
 9 opened a tab with a card, you served him over \$100 worth  
 10 of drinks but less than \$200 worth of drinks, and he  
 11 left without signing his credit card tab?

12 A. Yes.

13 Q. And then the customer never came back?

14 A. The customer came back a couple weeks later.

15 Q. When he came back a couple weeks later, did he  
 16 close his tab?

17 A. No. I paid for his tab the night he walked it,  
 18 and I asked him for the money back when he came back  
 19 several weeks later.

20 Q. Did he pay you?

21 A. He did, yes.

22 Q. Was he a regular?

23 A. Yes.

24 Q. All right. So you covered his tab, and then he  
 25 came in a couple weeks later and paid you back?

1 A. Yes.

2 Q. Would you have covered his tab if he wasn't a  
 3 regular?

4 A. I would have had to.

5 Q. So you didn't suffer any damages because of  
 6 that instance?

7 A. On that one, no.

8 Q. Now, will you please tell me about the second  
 9 one.

10 A. It was a customer that had just come in and ran  
 11 a credit card tab. It was under \$100 but he never -- I  
 12 never saw him again. So I paid that out of my pocket.

13 Q. Is it your testimony there was a policy that  
 14 required you to do that?

15 A. Yes.

16 Q. So as far as an unreimbursed walked credit card  
 17 tab, there's only one during the relevant three-year  
 18 period?

19 A. For myself, yes.

20 Q. Okay. Credit card charge-backs. Are you  
 21 claiming that you were a victim of credit card  
 22 charge-backs?

23 A. I personally was not a victim.

24 Q. As far as tips that were due to you at the end  
 25 of a shift, you work a shift, you accumulate some tips

1 on credit cards.

2 Do you acknowledge that at the end of each  
3 shift that you worked you were paid the tips that you  
4 were due for that shift?

5 MR. SHELLIST: Object to the form of the  
6 question.

7 But you can answer.

8 A. I don't feel I received the tips that I should  
9 have received. Is that what you mean?

10 Q. (BY MR. VAN HUFF) Setting aside the 5 percent  
11 issue that was obviously the main claim in your lawsuit,  
12 the credit card fee --

13 A. Right.

14 Q. -- credit card tip fee, setting that aside for  
15 a second, are you claiming that Treasures would not pay  
16 you your tips at the end of your shift, other than the  
17 5 percent that you're complaining about?

18 A. If it was over a certain amount, they would  
19 hold your tips.

20 Q. I'm talking about for you individually.

21 A. For me individually, no, because I never had  
22 very high tabs at the bar.

23 Q. Okay. So you acknowledge that, as far as you  
24 go, during the relevant three-year period that we talked  
25 about, October '06 to October '09, at the end of each of

1 employment. If it was over a thousand dollars, it was  
2 held -- automatically held a thousand dollars or more --  
3 if the tip was a thousand dollars or more, the tab would  
4 automatically be held.

5 Q. Now, I think -- what was the phrase you used  
6 for tips that might be problematic?

7 A. "Unstable."

8 Q. Unstable.

9 What are some things that, in your  
10 experience working at Treasures, that would cause  
11 management to view a tab as unstable?

12 A. The customer was rowdy; there was an excessive  
13 amount of dances on the tab; they were there for many  
14 hours; the tab was a high, high amount.

15 Q. Like when you say a "high amount" --

16 A. Several thousand, like 3,000 or more. A  
17 customer that possibly was complaining a little bit.

18 Q. Okay. Spillage and breakage. Were you the  
19 victim of unlawful spillage and breakage practices at  
20 Treasures?

21 A. Personally myself as a bartender, no. I would  
22 just remake the drink.

23 Q. I guess you weren't in the habit of spilling or  
24 breaking things.

25 A. I was in the habit?

1 your shifts, you were paid all of your tips in cash,  
2 setting aside the 5 percent issue that's the allegation  
3 in your lawsuit?

4 A. Yes.

5 Q. Now, you said that there were other people who  
6 were not?

7 A. Correct.

8 Q. You said there were other folks that didn't get  
9 all their tips at the end of their shifts --

10 A. Yes.

11 Q. -- at Treasures --

12 A. Yes.

13 Q. -- during the three-year period?

14 A. Yes.

15 Q. Tell me all the facts you know about that,  
16 including the stuff people told you.

17 A. The bartenders paid the waitresses out at the  
18 end of the night, and there were many occasions where  
19 the tab was not, I guess what you would call, a "stable  
20 tab," and they were afraid it might get disputed. So we  
21 were told to hold all the dance tickets on the tab and  
22 the waitress tip, and they would pay them out at a later  
23 time.

24 And then they made a policy -- I don't  
25 remember exactly -- towards the latter part of my

1 Q. You were not in the habit.

2 A. If I spilled a drink or I broke a drink, being  
3 as I was the bartender, I would just remake the drink  
4 and give it to them.

5 Q. Why don't we take a break, if that's okay with  
6 you, since we have been going about an hour. Then we  
7 can finish up with the declaration and we'll be done.  
8 The declaration covers a lot of stuff covered in your  
9 interrogatory answers, so it will be quick.

10 (A recess was taken.)

11 Q. (BY MR. VAN HUFF) Are you alleging that you  
12 ever had to share any of your tips with managers?

13 A. As a bartender, no; as a waitress, yes.

14 Q. During the three-year period of October '06 to  
15 October '09 when you worked at Treasures as a bartender,  
16 did you ever have to share any of your tips with  
17 managers?

18 A. No.

19 Q. Earlier you talked about the fact that you  
20 didn't think that Treasures had reported your cash tips  
21 on your W-2.

22 Did you ever report any of your cash tips  
23 to Treasures?

24 A. No.

25 Q. It says here in your declaration you were aware

1 waitresses had to eat the cost of spilled drinks.  
 2 A. Yes.  
 3 Q. Can you explain that to me?  
 4 A. If they spilled a drink or broke a glass and  
 5 spilled, they had to come and purchase a new drink.  
 6 Q. How often would that happen?  
 7 A. Every night.  
 8 Q. It says here that an earlier policy was the  
 9 club issued spill tickets.  
 10 A. Yes.  
 11 Q. What was that about?  
 12 A. Earlier, when I first started working, if you  
 13 spilled a drink or knocked something over, you could go  
 14 to a manager and they would write on a little memo pad  
 15 what the drink was and the cost, and the manager would  
 16 sign it, and the waitress would sign it. And then  
 17 they'd give that to the bartender, and the bartender  
 18 could remake the drink without charging the waitress for  
 19 the drink. And those were kept all together at the end  
 20 of the night and added up.  
 21 Q. When did they stop doing that?  
 22 A. I don't remember the exact date. I want to say  
 23 it was somewhere in 2008, but I'm not exactly sure.  
 24 Q. Somewhere in 2008? But you never personally  
 25 had to pay for any spilled drinks, correct? That's what

1 you testified to earlier.  
 2 A. Correct.  
 3 MR. VAN HUFF: Pass the witness.  
 4 E X A M I N A T I O N  
 5 BY MR. SHELLIST:  
 6 Q. Ms. Turner, you were talking earlier about when  
 7 you were trained and what your managers had said about  
 8 what the \$5-per-credit-card dance was for.  
 9 What were the words that were told to you  
 10 the best you can recall regarding what that \$5 or that  
 11 20 percent of the \$25 was used for by the club?  
 12 A. The 20 percent was for credit card processing  
 13 fees and any --  
 14 MR. VAN HUFF: Objection; calls for  
 15 hearsay.  
 16 A. -- and any maintenance fees for the club.  
 17 Q. (BY MR. SHELLIST) Okay. And either then or  
 18 thereafter who did you hear that from? Meaning, who was  
 19 telling you this?  
 20 MR. VAN HUFF: Running objection to --  
 21 A. The managers --  
 22 MR. VAN HUFF: -- calls for --  
 23 THE REPORTER: Wait. One at a time.  
 24 MR. VAN HUFF: Running objection to  
 25 questions that call for hearsay.

1 MR. SHELLIST: You think it's hearsay if  
 2 she says what a manager says?  
 3 MR. VAN HUFF: My objection is on the  
 4 record.  
 5 MR. SHELLIST: Okay.  
 6 Q. (BY MR. SHELLIST) Go ahead. Tell us what  
 7 managers -- meaning, which managers that you recall told  
 8 you this.  
 9 A. John, Slim, Bill, Joe -- I don't remember the  
 10 guy that was there at the end. I don't remember his  
 11 name. And then Morris, the guy who paid out the dancers  
 12 typically. He, also.  
 13 Q. (BY MR. SHELLIST) Okay. Did anybody -- any  
 14 manager or anyone else, quite frankly, the whole time  
 15 you worked for the Davaris while you worked at  
 16 Treasures, did any person ever tell you that the  
 17 \$5-per-credit-card dance was to be used to pay for some  
 18 person sitting in a room going through credit card  
 19 receipts?  
 20 A. No.  
 21 Q. Is it your opinion that the Davaris and the  
 22 clubs each have to follow the State or Federal law on  
 23 how to account for monies that they are receiving?  
 24 A. Is it my understanding that they need to --  
 25 they should follow the law?

1 Q. Yes.  
 2 A. Yes.  
 3 Q. Now, to your knowledge, just based on your work  
 4 experience at the clubs that you worked at over the  
 5 years, was the 5 percent deduction on credit card tips,  
 6 was that something that applied to every single waitress  
 7 and bartender, to your knowledge?  
 8 A. Yes.  
 9 Q. Do you have any percentage knowledge of any  
 10 person having to pay back money for charge-backs?  
 11 A. I have one case where I know for a fact. It  
 12 was a -- my cousin's wife was a waitress there, and I  
 13 was the bartender that ran the tab. And so the manager  
 14 came to me with questions on the tab and everything --  
 15 Q. Which manager?  
 16 A. Slim.  
 17 Q. Okay.  
 18 A. Asking me -- I don't remember the exact  
 19 question, but there was some mess-ups on the tab. So  
 20 they -- him and I talked about the tab, and then he  
 21 talked with her about the tab, and then she had to pay  
 22 back over a thousand dollars. And I know she paid it  
 23 back because she actually had me give it to him for her  
 24 one time.  
 25 Q. What was her name?

1 A. Miryame Jones.  
 2 Q. Okay. Does she still work for the Davaris?  
 3 A. Yes.  
 4 Q. At which club?  
 5 A. Treasures.  
 6 Q. Okay. And how did she give you the money, just  
 7 in a rubber band or in -- what form was it in when she  
 8 gave it to you?  
 9 A. In an envelope.  
 10 Q. And what did you do with that envelope?  
 11 A. I handed it to Slim.  
 12 Q. And how did you know to do that?  
 13 A. Well, she told me to give it to him so I did.  
 14 Q. Okay. Are you aware of whether other  
 15 waitresses or dancers had to pay money back to the club  
 16 for charge-backs?  
 17 A. Yes.  
 18 Q. Okay. And in my question it's okay if it's  
 19 based on what you were told by people or other sources  
 20 in my version.  
 21 Tell us what you either saw or heard that  
 22 leads you to believe that is true.  
 23 A. I was friends with many of the dancers, and  
 24 they would come to me complaining that they had to give  
 25 money back, and they were to give it to Morris in an

1 then some of the money would go straight to them from  
 2 that night, so they made sure they got some of the money  
 3 back.  
 4 Q. Which managers by name, if you recall, talked  
 5 with you about holding monies or delaying monies to  
 6 waitresses based on charge-backs?  
 7 A. All of them did.  
 8 Q. Okay. And was this throughout your employment  
 9 there?  
 10 A. Yes.  
 11 Q. And then, finally, did you receive a portion of  
 12 tips from waitresses?  
 13 A. Yes.  
 14 Q. What percent?  
 15 A. It was recommended that the waitresses tip the  
 16 bar 15 percent.  
 17 Q. Was that pretty standard?  
 18 A. It was pretty standard. Most of them did do  
 19 it.  
 20 Q. Okay. And then did you ever have any occasion  
 21 where a -- where the amount you earned in an evening was  
 22 less because a waitress didn't get all of her tips due  
 23 to a charge-back?  
 24 A. Oh, yes, many occasions.  
 25 Q. Okay. But as I understand what you told

1 envelope.  
 2 And then the waitresses, of course, they  
 3 were -- sometimes it would be a tab I ran. So they  
 4 would come to me and ask me, "Do you remember that tab?"  
 5 blah, blah, blah. So they would say they had to pay the  
 6 money back on that.  
 7 And then there were times at the end of  
 8 the night a waitress would have a good night, and when  
 9 she goes to tip the bar, she would say, "I'm sorry I can  
 10 only tip you this much because I have to pay back a  
 11 bunch of charge-backs, and I already tipped you on all  
 12 those charge-backs. So I'm not tipping y'all the full  
 13 amount tonight."  
 14 Q. In your opinion was -- a waitress or dancer  
 15 paying back a charge-back, was that just a policy or  
 16 practice of the club, in your opinion?  
 17 A. Yes.  
 18 Q. And did you ever hear any managers reference or  
 19 talk about, "Yeah, I need to get that money back,"  
 20 including Slim, who you gave the money to?  
 21 A. Yes. Because sometimes they would tell us to  
 22 not pay the waitresses. If a waitress owed a lot of  
 23 money, they would want to see all of that waitress's  
 24 tabs that night, and then they would be instructed --  
 25 the waitress and them would talk about something, and

1 Mr. Van Huff, you personally did not have ever have to  
 2 put money in an envelope for your own self to give it  
 3 back?  
 4 A. Correct.  
 5 Q. But you were indirectly affected by it?  
 6 A. Yes.  
 7 Q. Did you ever visit any of the other clubs?  
 8 A. Yes.  
 9 Q. Your husband worked where, at Centerfolds?  
 10 A. Gold Cup.  
 11 Q. And where did your sister-in-law work?  
 12 A. My cousin-in-law works at Treasures.  
 13 Q. Treasures. In your opinion, based on visiting  
 14 other clubs, looking at other clubs, did you -- do you  
 15 have an opinion on whether or not the clubs are operated  
 16 policywise in the same way?  
 17 A. Yes, they are.  
 18 MR. SHELLIST: We will reserve any other  
 19 questions until the time of trial.  
 20 (Turner Exhibit No. 1 was marked.)  
 21 F U R T H E R E X A M I N A T I O N  
 22 BY MR. VAN HUFF:  
 23 Q. I'm going to hand you what's been marked as  
 24 Exhibit 1. If you would, take a look at it, please.  
 25 Do you recognize that?

1 A. Yes.  
 2 Q. Is that your signature on that document?  
 3 A. Yes.  
 4 Q. Do you recall when you signed that?  
 5 A. Yes.  
 6 Q. What's your understanding of the substance of  
 7 that document?  
 8 A. That it's not mandatory to tip.  
 9 Q. And you acknowledge that, at some point during  
 10 your employment with Treasures, that it was explained to  
 11 you at the time of your employment tipping managers  
 12 wasn't mandatory, correct?  
 13 A. Correct.  
 14 Q. And you further acknowledge that it was the  
 15 policy of Treasures that tipping managers wasn't  
 16 mandatory, correct?  
 17 A. Correct. I will say, though, if you did not  
 18 tip the management, you were not guaranteed a job when  
 19 you came in the next night.  
 20 MR. SHELLIST: Don't put that away if it's  
 21 an exhibit.  
 22 MR. VAN HUFF: I'm sorry.  
 23 MR. SHELLIST: That's okay. I didn't want  
 24 to forget it.  
 25 Q. (BY MR. VAN HUFF) You do, however, acknowledge

1 it was the policy of Treasures that it wasn't mandatory  
 2 to tip managers, correct?  
 3 A. Correct.  
 4 MR. VAN HUFF: Pass the witness.  
 5 F U R T H E R E X A M I N A T I O N  
 6 BY MR. SHELLIST:  
 7 Q. Just real quickly, though. What I'm hearing  
 8 from you is -- or I'll ask it this way.  
 9 Number one, did you write that Exhibit 1?  
 10 Was that your policy that you wrote out?  
 11 A. I didn't write that out.  
 12 Q. Did the managers follow that policy?  
 13 A. No.  
 14 Q. Okay. And so in your experience at the club or  
 15 clubs you worked at, the practice that occurred in a  
 16 club didn't always match what the written policy might  
 17 have been.  
 18 Is that true?  
 19 A. Yes.  
 20 MR. SHELLIST: Pass the witness.  
 21 MR. VAN HUFF: Reserve for trial.  
 22 (The deposition concluded at 2:50 p.m.)

1 ERRATA SHEET  
 2 DEPOSITION OF: TRISHA TURNER, MAY 13, 2010  
 3  
 4 PAGE LINE CHANGE REASON  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
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 24 \_\_\_\_\_  
 25 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

1 I, TRISHA TURNER, have read the foregoing deposition  
 2 and hereby affix my signature that same is true and  
 3 correct, except as noted above.  
 4  
 5  
 6  
 7  
 8 \_\_\_\_\_  
 9 TRISHA TURNER  
 10 THE STATE OF \_\_\_\_\_  
 11 COUNTY OF \_\_\_\_\_  
 12 Before me, \_\_\_\_\_, on this day  
 13 personally appeared TRISHA TURNER, known to me (or  
 14 proved to me under oath or through \_\_\_\_\_)  
 15 (description of identity card or other document) to be  
 16 the person whose name is subscribed to the foregoing  
 17 instrument and acknowledged to me that they executed the  
 18 same for the purposes and consideration therein  
 19 expressed.  
 20 Given under my hand and seal of office this  
 21 day of \_\_\_\_\_, \_\_\_\_\_.  
 22  
 23 NOTARY PUBLIC IN AND FOR  
 24 THE STATE OF \_\_\_\_\_  
 25

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
 2 SOUTHERN DISTRICT OF TEXAS  
 3 HOUSTON DIVISION  
 4 LAURA McKNIGHT, TRISHA \*  
 5 TURNER, ANDREW BAKER, \*  
 6 RACHAEL FREEDMAN, KIMBERLY \*  
 7 McCRAY, and MARGO MORENO, \*  
 8 Plaintiffs, \*  
 9 V. \* Civil Action No. H-09-3345  
 10 D. HOUSTON, INC. D/B/A \*  
 11 TREASURES, A.H.D. HOUSTON, \*  
 12 INC. D/B/A CENTERFOLDS, \*  
 13 D N.W. HOUSTON, INC. D/B/A \*  
 14 GOLD CUP, D. RANKIN, INC. \*  
 15 D/B/A TROPHY CLUB, D WG FM, \*  
 16 INC. D/B/A SPLENDOR, W.L. \* Jury Trial Demanded  
 17 YORK, INC. D/B/A COVER \*  
 18 GIRLS, AND, IN THEIR \*  
 19 INDIVIDUAL CAPACITIES, ALI \*  
 20 DAVARI and HASSAN DAVARI, \*  
 21 Defendants. \*

22 REPORTER'S CERTIFICATION  
 23 ORAL DEPOSITION OF  
 24 TRISHA TURNER  
 25 MAY 13, 2010

1 I, CONNIE KOENIG, RPR, Certified Shorthand  
 2 Reporter in and for the State of Texas, hereby certify  
 3 to the following:  
 4 That the witness, TRISHA TURNER, was duly sworn  
 5 by the officer and that the transcript of the oral  
 6 deposition is a true record of the testimony given by  
 7 the witness;  
 8 That the deposition transcript was submitted on

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
 2 SOUTHERN DISTRICT OF TEXAS  
 3 HOUSTON DIVISION  
 4 LAURA McKNIGHT, TRISHA \*  
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 6 RACHAEL FREEDMAN, KIMBERLY \*  
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 17 YORK, INC. D/B/A COVER \*  
 18 GIRLS, AND, IN THEIR \*  
 19 INDIVIDUAL CAPACITIES, ALI \*  
 20 DAVARI and HASSAN DAVARI, \*

21 Defendants. \*

22 REPORTING FIRM'S FURTHER CERTIFICATION

23 The original deposition was/was not returned to the  
 24 deposition officer on \_\_\_\_\_.  
 25 If returned, the attached Changes and Signature page  
 26 contains any changes and the reasons therefor;  
 27 If returned, the original deposition was delivered  
 28 to Albert Van Huff, Custodial Attorney, for safekeeping  
 29 on \_\_\_\_\_.  
 30 That a copy of this certificate was served on all  
 31 parties shown herein.

Page 59

1 \_\_\_\_\_, 2010 to the witness or to the attorney  
 2 for the witness for examination, signature and return to  
 3 the offices of Q & A Reporting, Inc., by  
 4 \_\_\_\_\_, 2010;

5 That pursuant to information given to the  
 6 deposition officer at the time said testimony was taken,  
 7 the following includes counsel for all parties of  
 8 record:

9 MARTIN A. SHELLIST, Attorney for Plaintiffs  
 10 ALBERT VAN HUFF, Attorney for Defendants

11 I further certify that I am neither counsel for,  
 12 related to, nor employed by any of the parties or  
 13 attorneys in the action in which this proceeding was  
 14 taken, and further that I am not financially or  
 15 otherwise interested in the outcome of the action.

16 Further certification requirements pursuant to  
 17 Federal Rules of Civil Procedure will be certified to  
 18 after they have occurred.

19 SWORN TO AND SUBSCRIBED by me in Houston, Texas,  
 20 on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

21  
 22 CONNIE KOENIG, RPR, CSR  
 23 Expiration Date: 12/31/10  
 24 Firm Registration No. 402  
 25 Q & A Reporting, Inc.  
 10220 Memorial Drive  
 Suite 22  
 Houston, Texas 77024

Page 61

1 Certified to by me this \_\_\_\_\_, 2010.

2  
 3  
 4  
 5  
 6  
 7 CONNIE KOENIG, RPR, CSR  
 8 Expiration Date: 12/31/10  
 9 Firm Registration No. 402  
 10 Q & A Reporting, Inc.  
 11 10220 Memorial Drive  
 12 Suite 22  
 13 Houston, Texas 77024  
 14 (713) 467-7900 / Fax (713) 467-7911

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<b>A</b>	16:24 17:20 29:23 38:23,25 39:9 42:18 44:13,14,15 51:13 52:21 <b>amounts</b> 16:10 <b>ANDREW</b> 1:3 58:3 60:3 <b>answer</b> 5:12,12,25 6:23 12:7,13,17 13:1 17:23 22:16 23:9,17 29:1 32:17 34:3,15 36:25 42:7 <b>answering</b> 5:20 <b>answers</b> 4:20 21:21 29:16 45:9 <b>anticipate</b> 5:9 <b>anybody</b> 14:3,9 48:13 <b>anyway</b> 23:10 33:20 <b>Appearances</b> 3:2 <b>appeared</b> 57:12 <b>applied</b> 49:6 <b>applies</b> 22:21 <b>approximate</b> 16:24 <b>approximately</b> 18:17 19:25 <b>arrested</b> 21:16 <b>aside</b> 32:9 42:10,14 43:2 <b>asked</b> 37:1 40:18 <b>asking</b> 5:21,22 20:25 22:17 32:18 39:25 49:18 <b>assertion</b> 28:18,20 <b>assets</b> 21:3 <b>assume</b> 6:2 22:25 23:7 <b>Assuming</b> 23:11 <b>attached</b> 1:23 60:19 <b>attachment</b> 21:22 <b>attempt</b> 14:3 <b>attorney</b> 2:14 4:9 21:22 59:1,9,10 60:22 <b>attorneys</b> 59:13 <b>Autism</b> 10:6	<b>automatically</b> 44:2 44:4 <b>aware</b> 27:1,4,7 28:6 34:16 35:2 36:13 45:25 50:14 <b>A.H.D</b> 1:8 24:10,20 24:22,24 58:8 60:8	<b>B</b> <b>back</b> 8:15 9:12 31:1 33:5 39:23 40:13 40:14,15,18,18,25 49:10,22,23 50:15 50:25 51:6,10,15 51:19 52:3 53:3 <b>backwards</b> 9:11 <b>badly</b> 28:20 <b>bag</b> 39:22 <b>Baker</b> 1:3 35:22 36:8 58:3 60:3 <b>band</b> 50:7 <b>bank</b> 39:13,16,16 39:18,21 <b>bankruptcy</b> 8:21 8:23,25 19:17 20:1,4,14,18 21:2 21:3,13 <b>bar</b> 40:8 42:22 51:9 52:16 <b>bartender</b> 9:13,15 10:11 11:12 13:15 15:21 16:1 17:16 22:9 23:5 33:16 35:9,21,23 36:15 39:17,20,24 40:6 44:21 45:3,13,15 46:17,17 49:7,13 <b>bartenders</b> 36:12 36:19,21 37:5,8 38:1 43:17 <b>based</b> 19:12 28:24 49:3 50:19 52:6 53:13 <b>basic</b> 32:8 <b>basically</b> 21:19 29:17 <b>basis</b> 13:16 14:14	16:3 18:25 22:9 22:19 23:12,25 25:3 28:19 32:2 <b>began</b> 10:19,20 <b>beginning</b> 7:7 39:21,22 <b>believe</b> 6:6 10:16 13:2 19:20 20:3 30:11 32:18,21 34:4,5,16 36:16 36:17 50:22 <b>best</b> 47:10 <b>bet</b> 10:9 <b>Bill</b> 48:9 <b>bit</b> 21:25 44:17 <b>blah</b> 51:5,5,5 <b>booklet</b> 4:19 <b>borrow</b> 25:5,13 <b>break</b> 22:4 45:5 <b>breakage</b> 44:18,19 <b>breaking</b> 44:24 <b>Brightwater</b> 6:13 <b>bringing</b> 25:10 <b>broke</b> 45:2 46:4 <b>brothers</b> 27:23,25 28:4 <b>brought</b> 11:2 <b>Building</b> 1:21 2:5 <b>bunch</b> 51:11 <b>business</b> 26:7 28:22 28:24 29:5,6,14 32:11 <b>businesses</b> 28:25	29:24 30:4,9,10 31:4,11,20 32:4 32:14 33:6,15 34:7 39:3,5,6,11 39:14 40:9,11 41:11,16,20,21 42:12,14 47:12 48:18 49:5 57:14 <b>cards</b> 16:12 17:2 33:2 42:1 <b>care</b> 28:14 <b>carried</b> 5:14 <b>case</b> 4:11,22 7:12 7:14 8:6,25 11:11 18:3,4 20:18 21:13 22:2 28:19 49:11 <b>cash</b> 16:9,13,19,25 17:2,7 30:2 39:16 39:17 43:1 45:20 45:22 <b>cause</b> 1:19 5:14 28:17 44:10 <b>caused</b> 19:6 <b>center</b> 28:14 <b>Centerfolds</b> 1:8 9:7 9:14,24 10:19 22:11 24:8,8,17 24:21,23 27:17,20 53:9 58:8 60:8 <b>certain</b> 6:24 42:18 <b>certificate</b> 3:9 60:24 <b>certification</b> 58:15 59:16 60:15 <b>certified</b> 58:18 59:17 61:1 <b>certify</b> 58:19 59:11 <b>challenging</b> 10:9 <b>change</b> 36:20 56:4 <b>changed</b> 37:17 <b>changes</b> 3:8 60:19 60:20 <b>charge</b> 30:4 31:12 34:8 <b>charges</b> 11:16 31:4 32:4 <b>charge-back</b> 51:15 52:23
----------	---	--	---	---	---

<b>charge-backs</b>	7:24	55:2,3 57:3	44:12,17	27:10 34:23,25
41:20,22 49:10	<b>companies</b> 13:4,11	<b>cost</b> 31:3 33:7 46:1	<b>customers</b> 31:20	35:2
50:16 51:11,12	<b>company</b> 13:10	46:15	<b>D</b>	<b>demonstrated</b> 11:6
52:6	29:22,23,24	<b>costs</b> 33:2	<b>D</b> 1:7,9,9,10 3:1	<b>deposition</b> 1:15,18
<b>charging</b> 33:18,20	<b>compensated</b> 10:13	<b>counsel</b> 59:7,11	24:9,20,21,25	4:11,13,18,19
46:18	<b>compensation</b> 17:1	<b>counts</b> 27:15	58:7,9,9,10 60:7,9	12:15,19 21:19
<b>check</b> 11:3 24:10	17:10	<b>COUNTY</b> 57:10	30:24 35:22 55:22	30:24 35:22 55:22
<b>children</b> 28:13	<b>complain</b> 6:3 12:13	<b>couple</b> 26:20 40:14	56:2 57:1 58:15	56:2 57:1 58:15
<b>circumstances</b>	16:2	40:15,25	<b>damage</b> 19:6,13	58:23,25 59:6
13:21 39:1	<b>complaining</b> 35:3	<b>course</b> 51:2	<b>damages</b> 41:5	60:17,18,21
<b>Civil</b> 1:6,22 58:6	42:17 44:17 50:24	<b>court</b> 1:1 4:17,18	<b>dance</b> 31:11,12,21	<b>description</b> 57:14
59:17 60:6	<b>complaint</b> 13:6	5:4 12:6 58:1	31:24 32:12 43:21	<b>details</b> 30:6 32:6
<b>claim</b> 7:4 11:13,23	<b>complaints</b> 15:21	60:1	47:8 48:17	<b>determine</b> 8:8
13:15 18:12 20:22	<b>complete</b> 5:12	<b>cousin's</b> 8:4 49:12	<b>dancer</b> 31:24 51:14	<b>difference</b> 17:11
22:8,10,19 23:13	<b>concluded</b> 55:22	53:12	<b>dancers</b> 31:5,11	38:4
30:16 40:4 42:11	<b>conclusion</b> 12:3,14	<b>cover</b> 1:11 10:3	32:4 33:11 48:11	<b>different</b> 24:7,13
<b>claiming</b> 12:1,21	<b>confusing</b> 6:6,8	22:12 26:17 32:4	50:15,23	26:20
24:16 41:21 42:15	<b>connection</b> 11:11	32:14,23 58:11	<b>dances</b> 31:13,19	<b>differently</b> 35:25
<b>claims</b> 23:3,3	13:14,22 15:25	60:11	32:25 44:13	36:6,7
<b>class</b> 21:23	20:17	<b>covered</b> 31:4 40:24	<b>date</b> 9:25 19:22	<b>directly</b> 17:15
<b>clearly</b> 17:21	<b>Connie</b> 1:20 58:18	41:2 45:8	36:22 46:22 56:25	<b>discharged</b> 19:17
<b>clerk</b> 33:5	59:22 61:7	<b>covers</b> 45:8	59:22 61:7	<b>discretion</b> 32:11
<b>clock</b> 13:23	<b>consideration</b>	<b>credit</b> 11:15,18,20	<b>Davari</b> 1:12,12	<b>disposed</b> 20:8,9
<b>close</b> 26:18 40:16	57:17	12:22 13:3,10,11	26:2,3 27:23,25	21:14
<b>closer</b> 21:19	<b>considering</b> 22:12	16:10,11,20,23	28:3 58:12,12	<b>dispute</b> 11:8
<b>club</b> 1:10 9:18 13:3	<b>contains</b> 60:20	17:2,8,14 18:20	60:12,12	<b>disputed</b> 43:20
22:11 25:12 27:14	<b>contention</b> 26:12	18:25 19:3 20:7	<b>Davaris</b> 24:5 26:8	<b>disputes</b> 22:24
31:13,14 32:8	<b>context</b> 7:23	20:17 25:7 29:24	48:15,21 50:2	<b>DISTRICT</b> 1:1,1
46:9 47:11,16	<b>Continuing</b> 37:13	29:24 30:4,9,10	<b>David</b> 26:1,2	58:1,1 60:1,1
50:4,15 51:16	<b>conversation</b> 5:8	31:4,11,20 32:4	<b>day</b> 28:14 57:11,20	<b>DIVISION</b> 1:2
55:14,16 58:10	<b>conversations</b>	32:14 33:2,6,15	59:20	58:2 60:2
60:10	25:24	34:7 39:3,5,6,11	<b>December</b> 8:15,17	<b>divorce</b> 8:24 9:1
<b>clubs</b> 4:10 8:5,7,8,9	<b>cooks</b> 25:9	39:14 40:11 41:11	9:8 15:12,13	<b>document</b> 54:2,7
22:11,13 23:13,19	<b>cooperate</b> 5:15	41:16,20,21 42:1	<b>decide</b> 28:10 33:10	57:14
23:21,25 24:7	<b>copy</b> 3:11 60:24	42:12,14 47:12	<b>declaration</b> 45:7,8	<b>documents</b> 21:18
25:2,3,5,9,11,14	<b>corporate</b> 24:13	48:18 49:5	45:25	<b>doing</b> 7:19 13:16
25:17,22,23 26:5	<b>corporation</b> 24:18	<b>CSR</b> 1:20 59:22	<b>declarations</b> 21:21	21:20 33:20 34:13
26:8,12,14,21	27:2	61:7	<b>deduct</b> 11:20 29:22	38:15 46:21
27:1,4,7,11,11,23	<b>corporations</b> 24:11	<b>Cup</b> 1:9 9:16 22:11	<b>deducted</b> 12:22	<b>dollars</b> 38:22 44:1
28:1,4,8,23 35:4	<b>correct</b> 6:18 11:19	26:16 35:8 53:10	20:17	44:2,3 49:22
35:15 37:6,9,18	11:22 13:18 15:15	58:9 60:9	<b>deduction</b> 49:5	<b>Dominion</b> 10:6
37:24 48:22 49:4	16:4 18:17,18	<b>current</b> 6:12	<b>Defendants</b> 1:13,19	<b>door</b> 32:12
53:7,14,14,15	19:10,13 29:6,7	<b>currently</b> 6:15 9:5	2:8 4:10 8:5	<b>drink</b> 44:22 45:2,2
55:15	29:25 30:11,19	10:5	58:13 59:10 60:13	45:3 46:4,5,13,15
<b>collected</b> 31:5	31:18,22 33:11,12	<b>Custodial</b> 60:22	<b>delaying</b> 52:5	46:18,19
<b>combine</b> 17:9	34:1 36:10,11	<b>customer</b> 31:22	<b>delivered</b> 60:21	<b>drinks</b> 39:13,18
<b>come</b> 29:12 41:10	38:3 39:7,10 43:7	38:5 39:2,18 40:8	<b>Demanded</b> 1:10	40:10,10 46:1,25
46:5 50:24 51:4	46:25 47:2 53:4	40:13,14 41:10	58:10 60:10	<b>Drive</b> 59:24 61:9
<b>communication</b>	54:12,13,16,17		<b>demonstrate</b> 25:21	<b>driver's</b> 6:17

<b>due</b> 19:13 31:4 41:24 42:4 52:22	<b>evidence</b> 34:22,24 <b>exact</b> 9:25 19:22 35:9 38:23,25 46:22 49:18	<b>fees</b> 30:10 31:5 32:7,8,15,24 33:4 47:13,16	<b>gain</b> 17:9 <b>garnered</b> 26:23 <b>George</b> 26:1,2 <b>getting</b> 15:10,14,17 18:13,16 24:17 35:19 36:9,19,21 37:5,9	13:19 38:17 46:6 <b>happened</b> 14:2,8 34:11 38:19
<b>D/B/A</b> 1:7,8,9,10 1:10,11 58:7,8,9 58:10,10,11 60:7 60:8,9,10,10,11	<b>exactly</b> 7:8,16 8:16 10:17 43:25 46:23	<b>figure</b> 17:9 19:2 <b>filed</b> 8:21 19:10,21 19:22 20:1 21:21 21:22,23 23:2	<b>finally</b> 5:18 20:8 52:11	<b>happening</b> 14:13 <b>happy</b> 19:16 <b>HASSAN</b> 1:12 58:12 60:12
<b>E</b>	<b>exceeds</b> 29:23 <b>excessive</b> 44:12 <b>excuse</b> 10:20 34:19	<b>financially</b> 59:14 <b>fine</b> 6:25 30:14	<b>Girls</b> 1:11 10:3 22:12 26:18 58:11 60:11	<b>hear</b> 47:18 51:18 <b>heard</b> 50:21 <b>hearing</b> 55:7 <b>hearsay</b> 47:15,25 48:1
<b>earlier</b> 38:13 45:19 46:8,12 47:1,6	<b>executed</b> 57:16 <b>exhibit</b> 53:20,24 54:21 55:9	<b>finish</b> 5:10 45:7 <b>finished</b> 19:18	<b>give</b> 4:16 45:4 46:17 49:23 50:6 50:13,24,25 53:2	<b>held</b> 39:8 44:2,2,4 <b>hereto</b> 1:23
<b>early</b> 21:11	<b>expect</b> 22:1	<b>Firm</b> 59:23 61:8	<b>given</b> 4:13 7:5 39:3 57:19 58:23 59:5	<b>high</b> 13:7 17:8 42:22 44:14,14,15
<b>earned</b> 16:22 52:21	<b>experience</b> 44:10 49:4 55:14	<b>FIRM'S</b> 60:15	<b>giving</b> 21:24	<b>higher</b> 16:22
<b>earnings</b> 16:6,23	<b>Expiration</b> 59:22 61:7	<b>first</b> 4:4 6:9 7:3 8:6 21:7 39:1 40:8 46:12	<b>glass</b> 46:4	<b>hired</b> 32:5 36:15,17 37:14
<b>eat</b> 46:1	<b>explain</b> 5:23 46:3	<b>five</b> 20:6,12 22:11 23:13 35:15 37:6 37:9	<b>go</b> 4:23 8:6 12:9 21:25 23:3 31:24 32:5 39:17 42:24 46:13 48:6 52:1	<b>hold</b> 42:19 43:21 <b>holding</b> 52:5
<b>economic</b> 19:6	<b>explained</b> 54:10	<b>fly</b> 30:23 31:1	<b>goes</b> 12:18 32:14,23 51:9	<b>home</b> 19:23
<b>Edloe</b> 2:14	<b>expressed</b> 57:18	<b>FM</b> 1:10 58:10 60:10	<b>going</b> 4:12,16,19,20 4:21 5:4,9 6:1,3	<b>hour</b> 10:15,17 15:14,17 17:25
<b>either</b> 9:23 19:16 30:12 47:17 50:21	<b>ex-husband</b> 28:12	<b>folks</b> 43:8	7:20 9:11 12:11	18:17 22:3 35:20
<b>employed</b> 10:5,11 26:9 59:12	<b>e-mail</b> 7:24	<b>following</b> 58:20 59:7	12:17 21:20,20,21 21:25 22:2,23	35:21 36:20 45:6
<b>employee</b> 37:15	<b>F</b>	<b>follows</b> 4:4	23:8 25:9 28:19	<b>hourly</b> 36:17 37:6
<b>employees</b> 33:9 37:15	<b>F</b> 53:21 55:5	<b>foregoing</b> 57:1,15	29:2,8 35:15 45:6 48:18 53:23	37:15 38:2
<b>employer</b> 28:22	<b>fact</b> 20:15 22:12	<b>forget</b> 54:24	<b>Gold</b> 1:9 9:16 22:11 26:16 35:8	<b>hours</b> 13:25 14:17 14:18,19,22,24
<b>employers</b> 23:22 24:1 25:4,21 26:12 27:11 28:8 29:4	25:1,8,19 35:8 45:19 49:11	<b>forgot</b> 39:24	53:10 58:9 60:9	15:1,3,5,20 17:14
<b>employment</b> 11:11 13:14 17:16 22:13 24:5 26:5 33:16 44:1 52:8 54:10 54:11	<b>facts</b> 25:3,20 26:11 27:10 28:6 29:4 31:9 33:16,21 34:22,24 35:1,12 35:16 43:15	<b>forgotten</b> 12:8	<b>good</b> 4:7,8 5:13 38:15 51:8	<b>house</b> 31:25 32:25
<b>enterprise</b> 28:23,24 29:6,14	<b>factual</b> 23:25 28:19	<b>form</b> 12:3 17:22 22:14 23:15 25:3 32:16 34:2,14 36:23 42:5 50:7	<b>grinding</b> 34:6	<b>Houston</b> 1:2,7,8,9 1:22 2:6,11,15
<b>entertainer</b> 31:14	<b>Fair</b> 22:21	<b>frankly</b> 48:14	<b>guaranteed</b> 54:18	24:9,10,20,20,21
<b>entire</b> 30:16 39:8	<b>far</b> 18:15 23:3,22 30:21,22 33:24 41:16,24 42:23	<b>FREEDMAN</b> 1:4 58:4 60:4	<b>guess</b> 16:17,18 19:7 19:14 35:16 43:19 44:23	24:22,24,25 26:7
<b>envelope</b> 50:9,10 51:1 53:2	<b>fast</b> 5:13	<b>friend</b> 26:18,19	<b>guy</b> 48:10,11	58:2,7,8,9 59:19 59:25 60:2,7,8,9 61:10
<b>equivalent</b> 13:9	<b>Fault</b> 18:2	<b>friends</b> 50:23	<b>H</b>	<b>Huff</b> 2:9,10 3:5,6 4:6,9 12:6,9 13:6
<b>ERRATA</b> 56:1	<b>Fax</b> 61:10	<b>front</b> 4:17	<b>H</b> 3:10 53:21 55:5	17:25 18:8 22:18
<b>erred</b> 14:11	<b>Federal</b> 1:22 4:17 48:22 59:17	<b>full</b> 51:12	<b>habit</b> 44:23,25 45:1	23:20 32:20 33:24
<b>error</b> 14:10	<b>fee</b> 17:15 29:24 31:20 32:4 42:12 42:14	<b>further</b> 3:6,7 54:14 59:11,14,16 60:15	<b>hand</b> 53:23 57:19	34:5,18 37:2,19
<b>establish</b> 36:6	<b>feel</b> 22:3 42:8	<b>G</b>	<b>handed</b> 50:11	39:23 42:10 45:11
<b>evening</b> 52:21			<b>happen</b> 12:15	47:3,14,20,22,24 48:3 53:1,22

54:22,25 55:4,21 59:10 60:22 <b>hundred</b> 38:22,24 39:2 <b>husband</b> 8:4 16:16 19:10 26:13,19 35:9 37:12 53:9 <b>H-09-3345</b> 1:6 58:6 60:6	<b>integrated</b> 28:22 29:6,14 <b>intended</b> 34:10 <b>intending</b> 34:12 <b>intentional</b> 34:6 <b>intentionally</b> 33:18 34:6,8,17 <b>interested</b> 7:20 59:15 <b>International</b> 1:21 2:5 <b>interrelation</b> 28:25 <b>interrogatory</b> 6:22 21:20 29:1,16 45:9 <b>involved</b> 5:19 7:24 8:18 <b>in-house</b> 33:1,7 <b>IRS</b> 19:11,12 <b>issue</b> 14:16,17 19:5 42:11 43:2 <b>issued</b> 46:9 <b>issues</b> 17:19 28:15 29:17 <b>items</b> 25:14	46:19 <b>KIMBERLY</b> 1:4 58:4 60:4 <b>kind</b> 25:6 <b>kitchen</b> 25:10 <b>knew</b> 33:19 <b>knocked</b> 46:13 <b>know</b> 5:23 6:3 8:16 10:17,23 11:4 13:4 14:7 15:2 16:2,4,18 17:5,23 17:24 18:14 19:7 19:14 20:12,21,22 21:5,5,6 22:4 23:8 23:22 25:8,16,19 25:20 26:16 27:12 27:14,16,19,21 30:21,22 31:9 33:16,21,22,23,25 34:22 35:8,11,12 37:1,8,13,16,17 37:23 38:24 43:15 49:11,22 50:12 <b>knowledge</b> 23:24 28:3 49:3,7,9 <b>known</b> 57:12 <b>Koenig</b> 1:20 5:12 58:18 59:22 61:7	<b>left</b> 39:3,6 40:11 <b>legal</b> 12:3,14 28:18 28:20 <b>license</b> 6:17 27:8 <b>limit</b> 23:8,11 <b>limitations</b> 22:20 22:23 23:1 <b>limiting</b> 18:5 <b>LINE</b> 56:4 <b>liquidate</b> 13:11 29:25 30:1 <b>liquor</b> 27:8 <b>list</b> 8:7 <b>little</b> 21:25 44:17 46:14 <b>living</b> 7:1 <b>location</b> 27:5 <b>long</b> 7:1 <b>longest</b> 22:22 <b>look</b> 13:24 53:24 <b>looked</b> 7:18 11:3 <b>looking</b> 18:19 19:2 53:14 <b>Loop</b> 1:22 2:5,10 <b>lost</b> 38:5 <b>lot</b> 45:8 51:22 <b>low</b> 17:8 <b>L.L.P</b> 1:21 2:4	<b>match</b> 55:16 <b>matter</b> 4:23 <b>McCRAY</b> 1:4 58:4 60:4 <b>McKNIGHT</b> 1:3 20:23 58:3 60:3 <b>mean</b> 10:12 19:18 25:22 30:1 42:9 <b>meaning</b> 47:18 48:7 <b>members</b> 21:23 <b>memo</b> 46:14 <b>Memorial</b> 59:24 61:9 <b>mentioned</b> 14:9 <b>mess-ups</b> 49:19 <b>method</b> 1:21 <b>mind</b> 22:9 29:13 <b>minimum</b> 10:21,24 11:1,2,4,7 15:10 36:22 <b>minute</b> 27:22 <b>Miryame</b> 50:1 <b>mistake</b> 14:11 34:1 34:4 <b>moment</b> 39:24 <b>money</b> 17:18 18:9 18:21 20:15 21:4 21:6,8 29:23 32:12,14,19,22 39:22 40:18 49:10 50:6,15,25 51:6 51:19,20,23 52:1 52:2 53:2 <b>monies</b> 48:23 52:5 52:5 <b>Monshaugen</b> 2:10 <b>MORENO</b> 1:4 58:4 60:4 <b>morning</b> 31:2 <b>Morris</b> 48:11 50:25 <b>motion</b> 21:23
<b>incorrect</b> 17:14 19:5,9,13 <b>indicate</b> 5:25 <b>indirectly</b> 53:5 <b>INDIVIDUAL</b> 1:12 58:12 60:12 <b>individually</b> 13:14 15:20 22:10 23:12 23:18,23 35:4 42:20,21 <b>individuals</b> 4:10 <b>industry</b> 26:7 <b>information</b> 10:18 19:10,23 20:9 26:23,24 37:4 59:5 <b>initially</b> 29:20 <b>instance</b> 1:19 26:13 40:8 41:6 <b>instances</b> 40:2 <b>instructed</b> 51:24 <b>instructor</b> 10:8 <b>instructs</b> 12:16 <b>instrument</b> 57:16	<b>January</b> 9:4 10:16 10:19 11:7 15:9 15:13,16 20:9 35:20,21 36:16,16 36:18,21 37:14,16 <b>job</b> 28:14 38:15 54:18 <b>Joe</b> 48:9 <b>John</b> 48:9 <b>joint</b> 23:22 24:1 25:4,21 26:12 27:11 28:8,21 29:4 <b>Jones</b> 50:1 <b>Judge</b> 4:18 12:6 <b>July</b> 8:14 <b>June</b> 7:2 <b>Jury</b> 1:10 58:10 60:10	<b>L</b> <b>Labor</b> 22:21 <b>Lane</b> 6:13 <b>Laura</b> 1:3 7:5,11 7:16,23 21:9 58:3 60:3 <b>LAUREN</b> 2:13 <b>law</b> 2:14 33:18,19 34:13,16,17,20 48:22,25 <b>lawsuit</b> 7:23 8:3,18 11:23 13:16 16:3 23:2,21 31:7 42:11 43:3 <b>lawsuits</b> 8:23 <b>lawyer</b> 6:7 7:18,20 7:25 12:11 22:24 <b>Lazarz</b> 1:21 2:4 <b>leads</b> 50:22 <b>learn</b> 7:3	<b>M</b> <b>M</b> 2:13 4:5 47:4 53:21 55:5 <b>main</b> 42:11 <b>maintenance</b> 47:16 <b>management</b> 14:3 44:11 54:18 <b>manager</b> 46:14,15 48:2,14 49:13,15 <b>managers</b> 32:5 45:12,17 47:7,21 48:7,7 51:18 52:4 54:11,15 55:2,12 <b>mandatory</b> 54:8,12 54:16 55:1 <b>MARGO</b> 1:4 58:4 60:4 <b>marked</b> 53:20,23 <b>married</b> 9:5 <b>MARTIN</b> 2:3 59:9	<b>N</b> <b>N</b> 2:1 3:1 4:5,5 47:4 47:4 53:21,21 55:5,5 <b>name</b> 4:9 6:10 24:25 48:11 49:25
<b>I</b>				
<b>J</b>				
<b>K</b>	<b>keep</b> 37:3 <b>kept</b> 17:5 31:13,15			

52:4 57:15 <b>names</b> 24:11,13,14 <b>napkins</b> 25:7 <b>necessary</b> 29:25 <b>need</b> 5:15,24 36:6 48:24 51:19 <b>needed</b> 29:19 32:22 <b>neither</b> 59:11 <b>never</b> 11:3 14:9 37:1 39:4,14 40:13 41:11,12 42:21 46:24 <b>new</b> 46:5 <b>night</b> 39:3,21,22 40:17 43:18 46:7 46:20 51:8,8,24 52:2 54:19 <b>normal</b> 5:8 12:14 <b>North</b> 2:10 <b>NOTARY</b> 57:23 <b>noted</b> 57:3 <b>notice</b> 15:12 21:23 <b>noticed</b> 16:14 <b>November</b> 19:18 19:20,24 20:2 <b>number</b> 8:5 55:9 <b>numbered</b> 1:19 <b>numbers</b> 19:11 N.W 1:9 58:9 60:9	59:18 <b>October</b> 14:19,19 19:21 20:2 23:2,3 23:4 35:6,6,13,13 37:3,4 40:3,3 42:25,25 45:14,15 <b>office</b> 57:19 <b>officer</b> 58:22 59:6 60:18 <b>offices</b> 59:3 <b>Oh</b> 52:24 <b>okay</b> 4:15,24 5:6,16 5:17 6:4,5 7:22 8:10,25 13:6,19 14:16 15:19 16:5 16:13 17:13 18:6 18:15 19:25 21:7 21:10 22:6,18,20 23:20 24:6,16 25:1,12,20 26:11 26:23 30:12,20 31:19 32:9,23 33:24 34:21 36:7 36:13 37:2 41:20 42:23 44:18 45:5 47:17 48:5,13 49:17 50:2,6,14 50:18,18 52:8,20 52:25 54:23 55:14	<b>owners</b> 25:23,25 27:23 28:5 <b>P</b> <b>pad</b> 46:14 <b>page</b> 56:4 60:19 <b>paid</b> 10:12 13:17 14:20 15:10,14 18:13,16 19:3 20:6,12 24:8,17 25:18 27:17,20 31:13,20 32:12 35:19,25 36:5,7,9 36:14,17,22 37:5 37:9 38:2 39:4,14 40:17,25 41:12 42:3 43:1,17 48:11 49:22 <b>painless</b> 4:12 <b>part</b> 18:12 43:25 <b>parties</b> 59:7,12 60:25 <b>Pass</b> 47:3 55:4,20 <b>passed</b> 28:12 <b>pay</b> 13:3,10 33:5 36:18,20 37:5,6 37:15,16 38:2,6 39:17 40:4,20 42:15 43:22 46:25 48:17 49:10,21 50:15 51:5,10,22 <b>paycheck</b> 10:13 13:25 24:25 <b>paying</b> 10:20,20 11:7 15:22 51:15 <b>payroll</b> 11:6 <b>pays</b> 29:23 <b>pending</b> 20:4 <b>people</b> 21:4 23:24 26:20 27:12 32:9 35:1,6,12,17 43:5 43:16 50:19 <b>perceive</b> 21:7 23:12 <b>perceived</b> 20:15 27:22 <b>percent</b> 11:15,20 12:21 13:3,7 14:16 15:19 18:20	18:24 20:16 29:21 29:22,22 30:7,10 30:12,16,17,20 31:13,16,17,23,24 32:3,7,24 33:10 33:13,14,19,20,25 34:7,8,21 42:10 42:17 43:2 47:11 47:12 49:5 52:14 52:16 <b>percentage</b> 13:4 30:11,14 49:9 <b>perceptions</b> 27:24 <b>perfectly</b> 12:14 <b>period</b> 15:6,7,14 22:22 23:4 35:5 35:13 37:3,10 38:11,18 40:3 41:18 42:24 43:13 45:14 <b>periods</b> 8:9 <b>person</b> 48:16,18 49:10 57:15 <b>personal</b> 16:12 28:15 <b>personally</b> 13:20 23:18,23 38:19 41:23 44:21 46:24 53:1 57:12 <b>per-year</b> 18:25 <b>phrase</b> 44:5 <b>pile</b> 21:18 <b>place</b> 35:4 <b>Plaintiffs</b> 1:5 2:2 7:4,12 11:10 58:5 59:9 60:5 <b>please</b> 41:8 53:24 <b>pocket</b> 41:12 <b>point</b> 36:3 54:9 <b>policies</b> 35:2,14 38:1 <b>policy</b> 3:11 37:13 41:13 43:24 46:8 51:15 54:15 55:1 55:10,12,16 <b>policywise</b> 53:16 <b>portion</b> 30:17 52:11 <b>position</b> 9:10	<b>possible</b> 14:9 <b>possibly</b> 4:22 14:12 44:17 <b>practice</b> 51:16 55:15 <b>practices</b> 35:10,14 44:19 <b>pretty</b> 4:12 52:17 52:18 <b>prior</b> 10:1 15:16 35:20 <b>probably</b> 15:4,5,8 22:3 29:4 <b>problem</b> 5:14 <b>problematic</b> 44:6 <b>Procedure</b> 1:22 59:17 <b>proceeding</b> 20:1 59:13 <b>process</b> 4:12 6:24 <b>processed</b> 32:6 <b>processing</b> 13:11 14:10 17:15 29:24 30:10 32:7,14,24 33:2,3 47:12 <b>produced</b> 1:18 <b>profit</b> 32:13 <b>progresses</b> 4:22 <b>prongs</b> 30:15 <b>properly</b> 7:19 16:7 <b>protection</b> 8:21 <b>proved</b> 57:13 <b>provisions</b> 1:23 <b>PUBLIC</b> 57:23 <b>purchase</b> 39:13 46:5 <b>purposes</b> 57:17 <b>pursuant</b> 1:22 59:5 59:16 <b>put</b> 16:17 53:2 54:20 <b>put-together</b> 28:21 <b>P.C</b> 2:10 <b>p.m</b> 1:20,20 55:22	<b>Q</b> <b>question</b> 5:2,10,18 5:20,22,23,25 6:7 12:3,7,18,23 19:8
---	--	--	---	--	---

22:15 23:7,9,16 36:24 42:6 49:19 50:18 <b>questions</b> 4:20 12:12 40:1 47:25 49:14 53:19 <b>quick</b> 45:9 <b>quickly</b> 55:7 <b>quite</b> 48:14	33:13,18 35:3 <b>regarding</b> 8:2 37:4 47:10 <b>Registration</b> 59:23 61:8 <b>regular</b> 14:14 30:8 39:2 40:22 41:3 <b>relate</b> 17:15 <b>related</b> 28:21 59:12 <b>relates</b> 15:25 <b>relationships</b> 27:25 28:4 <b>relevant</b> 38:11 41:17 42:24 <b>remake</b> 44:22 45:3 46:18 <b>remember</b> 9:23,25 19:22 24:19 38:23 38:24 43:25 46:22 48:9,10 49:18 51:4 <b>remote</b> 22:13 <b>remunerated</b> 25:17 <b>rephrase</b> 5:23 <b>report</b> 20:14,24 45:22 <b>reported</b> 1:21 16:20 18:21 45:20 <b>Reporter</b> 4:1,18 5:4 12:6 47:23 58:19 <b>Reporter's</b> 3:9 58:15 <b>Reporting</b> 59:3,23 60:15 61:8 <b>required</b> 41:14 <b>requirement</b> 32:3 <b>requirements</b> 59:16 <b>reserve</b> 53:18 55:21 <b>reside</b> 6:15 <b>response</b> 5:2,3 <b>responses</b> 5:5 <b>responsible</b> 39:8 <b>restate</b> 12:8,9 <b>restaurant</b> 30:8 <b>retained</b> 31:25 32:25 33:15 <b>retains</b> 33:10 <b>return</b> 59:2	<b>returned</b> 60:17,19 60:21 <b>rewarding</b> 10:10 <b>Richmond</b> 6:13 <b>right</b> 4:23 6:20,22 7:9 10:22,25 11:17 14:14,15 16:2 17:6 20:11 22:22 26:25 28:9 30:18 31:21 32:19 32:21 34:23 35:17 40:24 42:13 <b>road</b> 12:12 <b>room</b> 33:5 48:18 <b>rowdy</b> 44:12 <b>RPR</b> 1:20 58:18 59:22 61:7 <b>rubber</b> 50:7 <b>Rules</b> 1:22 59:17 <b>run</b> 25:7 <b>Running</b> 47:20,24	3:6,7 4:2 12:2,25 17:22 18:2 22:14 23:15 32:16 33:22 34:2,14 36:23 37:12 39:20 42:5 47:5,17 48:1,5,6 48:13 53:18 54:20 54:23 55:6,20 59:9 <b>shift</b> 36:9,14,18,19 37:5,15,16 38:2 41:25,25 42:3,4 42:16 <b>shifts</b> 43:1,9 <b>shorted</b> 18:16 <b>Shorthand</b> 58:18 <b>shown</b> 60:25 <b>sign</b> 4:2 46:16,16 <b>signature</b> 3:8 4:1 54:2 56:25 57:2 59:2 60:19 <b>signed</b> 3:11 54:4 <b>signing</b> 39:6 40:11 <b>single</b> 12:18 28:22 28:24 29:5,5,14 49:6 <b>sir</b> 13:8 <b>sister-in-law</b> 53:11 <b>sit</b> 33:5 <b>sitting</b> 48:18 <b>six</b> 23:21 27:1,4,7 27:11 28:23 <b>Slim</b> 48:9 49:16 50:11 51:20 <b>slips</b> 33:6 <b>smaller</b> 21:18 <b>smoothly</b> 21:25 <b>Somebody</b> 14:10 <b>someone's</b> 5:9 <b>sorry</b> 9:11 17:12 19:15 35:18 51:9 54:22 <b>sort</b> 7:24 22:10 <b>sound</b> 10:22 20:11 <b>sounds</b> 7:9 <b>sources</b> 50:19 <b>South</b> 1:22 2:5 <b>SOUTHERN</b> 1:1 58:1 60:1 <b>Shellist</b> 1:21 2:3,4	<b>specifically</b> 11:12 17:1 <b>spends</b> 33:10 <b>spill</b> 46:9 <b>spillage</b> 44:18,19 <b>spilled</b> 45:2 46:1,4 46:5,13,25 <b>spilling</b> 44:23 <b>Splendor</b> 1:10 9:20 9:22 22:12 58:10 60:10 <b>spoke</b> 7:22 <b>spoken</b> 7:11 8:2 18:5 <b>spring</b> 9:13 10:1 <b>springtime</b> 8:16 9:8 <b>stable</b> 43:19 <b>standard</b> 52:17,18 <b>Standards</b> 22:21 <b>started</b> 8:14 9:12 9:15 11:7 15:10 46:12 <b>state</b> 1:20 6:9 48:22 57:9,23 58:19 <b>stated</b> 1:23 27:22 29:21 <b>STATES</b> 1:1 58:1 60:1 <b>statute</b> 22:20,22,25 <b>stay</b> 20:7 <b>stayed</b> 8:14 37:16 <b>stenographic</b> 1:21 <b>Stipulations</b> 3:3 <b>stop</b> 15:11 28:10 46:21 <b>straight</b> 52:1 <b>strange</b> 5:22 <b>stub</b> 13:25 <b>stuff</b> 15:23 18:5 22:2,19 25:10 43:16 45:8 <b>submitted</b> 58:25 <b>subscribed</b> 57:15 59:19 <b>substance</b> 54:6 <b>suffer</b> 41:5 <b>suffered</b> 19:13 <b>suit</b> 7:3 <b>Suite</b> 1:22 2:5,10
--	--	---	---	--

2:14 59:24 61:9	<b>ten</b> 14:22	30:1 42:14 43:22	53:13 54:10,15	41:16
<b>supplies</b> 25:5,6,9	<b>tents</b> 25:8	44:3 51:9,10	55:1 58:8 60:8	<b>unreported</b> 16:13
25:14,18	<b>term</b> 5:24	52:15 54:8,18	<b>trial</b> 1:10 4:22,23	16:19
<b>support</b> 26:11 28:7	<b>testified</b> 4:4 47:1	55:2	53:19 55:21 58:10	<b>unstable</b> 44:7,8,11
29:5,9,13 31:9	<b>testifying</b> 4:17	<b>tipped</b> 51:11	60:10	<b>use</b> 4:21 12:13 13:3
33:17,21	<b>testimony</b> 4:16	<b>tipping</b> 3:11 51:12	<b>Trisha</b> 1:3,16,18	32:3,19,21 39:12
<b>sure</b> 7:8 11:17 18:9	23:5 31:19 35:19	54:11,15	3:4 4:3 6:11,12	<b>Usually</b> 21:2
19:7 21:2 46:23	41:13 58:23 59:6	<b>tips</b> 11:18,21 12:22	56:2 57:1,8,12	<b>V</b>
52:2	<b>Texas</b> 1:1,21,22 2:6	16:9,13,19,20,25	58:3,16,21 60:3	<b>V</b> 1:6 58:6 60:6
<b>surprise</b> 29:18	2:11,15 12:20	16:25 17:7,8,10	<b>Trophy</b> 1:10 9:18	<b>Van</b> 2:9,10 3:5,6
<b>sworn</b> 1:19 4:4,16	58:1,19 59:19,25	18:20,25 19:3	22:11 58:10 60:10	4:6,9 12:6,9 13:6
58:21 59:19	60:1 61:10	20:17 30:9 33:15	<b>true</b> 24:2 50:22	17:25 18:8 22:18
<b>T</b>	<b>therefor</b> 60:20	34:7 41:24,25	55:18 57:2 58:23	23:20 32:20 33:24
<b>T</b> 3:10 4:5 47:4	<b>they'd</b> 46:17	42:3,8,16,19 43:1	<b>trustee</b> 20:14 21:3	34:5,18 37:2,19
53:21,21 55:5,5	<b>thing</b> 8:6 11:18	43:9 44:6 45:12	<b>truth</b> 4:25 36:4,5	39:23 42:10 45:11
<b>tab</b> 25:7 39:5,11	27:14	45:16,20,22 49:5	<b>try</b> 5:7,15 12:13	47:3,14,20,22,24
40:4,9,11,16,17	<b>things</b> 7:19 29:3,8,9	52:12,22	<b>trying</b> 36:3	48:3 53:1,22
40:24 41:2,11,17	29:12,18 32:6	<b>today</b> 4:11	<b>Turn</b> 30:2	54:22,25 55:4,21
43:19,20,21 44:3	44:9,24	<b>told</b> 7:5 11:3 20:23	<b>Turner</b> 1:3,16,18	59:10 60:22
44:11,13,14 49:13	<b>think</b> 12:23 14:20	21:9 23:24 26:24	3:4 4:3,7 6:11	<b>various</b> 26:8
49:14,19,20,21	17:17,18 18:1,4	28:5 32:6,9 35:1,6	47:6 53:20 56:2	<b>version</b> 50:20
51:3,4	19:23 20:2,12	35:11,12,17 36:13	57:1,8,12 58:3,16	<b>versus</b> 37:5
<b>table</b> 25:8	22:24 25:25 27:18	43:16,21 47:9	58:21 60:3	<b>victim</b> 41:21,23
<b>tabs</b> 38:5,5,7 42:22	28:9 29:2,9,15	48:7 50:13,19	<b>twice</b> 30:13 38:20	44:19
51:24	30:7 34:12 35:25	52:25	<b>two</b> 9:23 15:6 26:19	<b>view</b> 29:21 44:11
<b>take</b> 4:11 5:5 22:1,4	36:4 38:19 44:5	<b>Tomorrow</b> 31:2	29:16 30:15 40:2	<b>violate</b> 34:13
30:9 39:18 45:5	45:20 48:1	<b>tonight</b> 51:13	<b>type</b> 4:19 5:11	<b>violating</b> 33:18,19
53:24	<b>thought</b> 18:3 19:24	<b>topless</b> 31:5	<b>typically</b> 48:12	<b>violations</b> 22:21
<b>taken</b> 1:19 12:19	34:21 39:24	<b>track</b> 17:5	<b>U</b>	<b>Virginia</b> 6:13,15,17
45:10 59:6,14	<b>thousand</b> 44:1,2,3	<b>trade</b> 24:14	<b>U</b> 53:21 55:5	7:1 30:23
<b>talk</b> 5:7 7:20 14:3	44:16 49:22	<b>trained</b> 47:7	<b>uh-huh</b> 5:4	<b>visit</b> 53:7
38:4 51:19,25	<b>three</b> 17:19 22:23	<b>transcript</b> 4:19,21	<b>uh-uh</b> 5:4	<b>visiting</b> 53:13
<b>talked</b> 12:4 28:7	23:1 24:4,7 26:5	58:22,25	<b>understand</b> 5:19,20	<b>vocalize</b> 5:3
29:20 38:13 42:24	<b>three-year</b> 15:5,7	<b>transfer</b> 27:13	6:1,2 17:12 19:8	<b>Volume</b> 1:17
45:19 49:20,21	23:8,11 35:5,13	<b>Treasures</b> 1:8 3:11	21:1 22:17 28:2	<b>W</b>
52:4	37:2,9 38:11,18	7:19 8:11,13 9:10	30:15 52:25	<b>wage</b> 10:21,24 11:1
<b>talking</b> 11:17 22:2	40:3 41:17 42:24	10:12,20 11:12,13	<b>understanding</b>	11:2,4,7 15:10
23:2 26:2 31:16	43:13 45:14	13:15,15 15:20	11:1 36:8 48:24	36:22
33:1,14 37:3	<b>tickets</b> 43:21 46:9	16:1 17:16,18	54:6	<b>wages</b> 16:25 17:10
38:15 42:20 47:6	<b>time</b> 7:22 8:9 9:24	20:16 22:8,20	<b>UNITED</b> 1:1 58:1	20:16
<b>taxes</b> 16:16,17	10:14,15,21 11:1	23:6,14 24:18,21	60:1	<b>Wait</b> 47:23
19:12,15	13:18,23 14:10	24:24 25:13,17	<b>unlawful</b> 30:14,17	<b>waiting</b> 28:13
<b>teacher</b> 10:7	21:5 22:1,3,13	27:13,17,20 28:11	30:18 33:14,25	<b>waitress</b> 9:12,15
<b>tell</b> 4:25 7:16 17:4	24:5 43:23 47:23	31:4 32:3,10 33:9	35:3 44:19	30:8 39:25,25
21:2 41:8 43:15	48:14 49:24 53:19	33:10,15,17 35:5	<b>unpaid</b> 14:17 15:19	43:22 45:13 46:16
48:6,16 50:21	54:11 59:6	35:14 37:7 38:9	17:14,14 18:15	46:18 49:6,12
51:21	<b>times</b> 13:17 14:8	42:15 43:11 44:10	20:16	51:8,14,22,25
<b>telling</b> 36:4,5 47:19	17:25 51:7	44:20 45:15,20,23	<b>unreimbursed</b>	52:22
	<b>tip</b> 13:11 29:25	48:16 50:5 53:12		

<b>waitresses</b> 34:7,9 43:17 46:1 50:15 51:2,22 52:6,12 52:15 <b>waitress's</b> 51:23 <b>walked</b> 38:5,6 40:4 40:17 41:16 <b>want</b> 8:6 16:2 22:4 23:9 24:2 32:19 46:22 51:23 54:23 <b>wanted</b> 28:12 <b>wasn't</b> 14:13 41:2 54:12,15 55:1 <b>was/was</b> 60:17 <b>way</b> 4:15 5:22 6:8 6:24 15:22 16:8 16:17 53:16 55:8 <b>week</b> 18:10 <b>weeks</b> 9:24 40:14 40:15,19,25 <b>went</b> 9:12 22:7,18 29:3 31:12 34:17 <b>weren't</b> 13:25 14:20 18:12 44:23 <b>West</b> 1:21 2:5,10 <b>we'll</b> 22:1 29:9 45:7 <b>we're</b> 4:11,21 6:1 11:17 23:2 26:2 31:16 32:6 38:15 <b>WG</b> 1:10 58:10 60:10 <b>wife</b> 8:4 49:12 <b>withdraw</b> 18:6 <b>witness</b> 1:19 47:3 55:4,20 58:21,24 59:1,2 <b>words</b> 47:9 <b>work</b> 5:10 8:11,13 9:22 10:6 13:17 13:18 16:1 24:4,6 26:14 41:25 49:3 50:2 53:11 <b>worked</b> 8:8,9 9:7 9:16,18,20 10:3 15:6 23:5 24:7,17 24:23,24 25:2,22 26:6,6,13,16,18 26:20 27:12 42:3 45:15 48:15,15	49:4 53:9 55:15 <b>working</b> 13:23 15:11 18:10 27:16 27:19 28:10 44:10 46:12 <b>works</b> 4:15 53:12 <b>worth</b> 40:9,10 <b>wouldn't</b> 17:10 19:12 33:7 <b>write</b> 13:24 46:14 55:9,11 <b>written</b> 55:16 <b>wrong</b> 16:5 30:20 <b>wrote</b> 55:10 <b>W-2s</b> 15:23 16:4,5 19:5,9 <b>W.L</b> 1:10 58:10 60:10	<b>0</b> <b>0-some</b> 17:9 <b>00786487</b> 2:4 <b>01</b> 8:15 9:8 <b>02</b> 8:16 9:9 10:1 36:16,18 37:14 <b>06</b> 35:6,13 37:3 40:3 42:25 45:14 <b>07</b> 19:24 <b>08</b> 8:17 10:16,19 11:7 15:9,12,13 15:13,16 35:20,21 36:21 37:17 <b>09</b> 35:6,14 37:4 40:3 42:25 45:15	21:11 23:2,4 <b>2010</b> 1:16,20 56:2 58:16 59:1,4,20 61:1 <b>22</b> 59:24 61:9 <b>23233</b> 6:14 <b>24028183</b> 2:9 25 31:14,15	<b>713/621-2277</b> 2:6 <b>713/880-2992</b> 2:11 <b>77008</b> 2:11 <b>77024</b> 59:25 61:10 <b>77027</b> 1:22 2:6,15
			<b>3</b> <b>3,000</b> 44:16 <b>3/D</b> 1:21 2:5 <b>3405</b> 2:14	<b>8</b> <b>80</b> 31:16,23
			<b>4</b> <b>4</b> 3:3,5 <b>40</b> 15:1 <b>402</b> 59:23 61:8 <b>467-7900</b> 61:10 <b>467-7911</b> 61:10 <b>473:6</b>	
			<b>5</b> <b>5</b> 10:16,17,23 11:15 11:20 12:21 13:3 13:7 14:16 15:19 18:20,24 20:16 29:21,22,22 30:7 30:12,16,17,20 31:15 33:13,14,19 33:20,25 34:7,8 34:21 42:10,17 43:2 49:5 <b>5-something</b> 10:23 15:14 35:20 36:20 <b>50</b> 15:3,5 17:14,25 18:11,16 <b>53</b> 3:6,11 <b>55</b> 3:7 <b>56</b> 3:8 <b>58</b> 3:9	
			<b>6</b> <b>63660686</b> 6:18,19 <b>640</b> 2:10 <b>6577</b> 1:20	
			<b>7</b> <b>713</b> 61:10,10 <b>713/278-9398</b> 2:15	